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Helena Normanton and the Opening of the Bar to Women

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**Helena Normanton and the Opening of the Bar to
Women**

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Ph.D

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Abstract

Helena Normanton was the first woman to be admitted to an Inn of Court after the passing of the Sex Disqualification (Removal) Act 1919 and was called to the Bar of England and Wales in 1922. The Bar was closed to women until the passing of this legislation. She was also the first woman to be briefed both in the High Court and the Central Criminal Court. She went on to become one of two first women King's Counsels and practised law past retirement. Normanton's childhood ambition was to become a barrister. She declared that her one goal in life was to open the legal profession to women.

This thesis will consider what role Helena Normanton played, if any, to the formal opening of the legal profession (in particular the Bar) to women in 1919 with the passing of the Sex Disqualification (Removal) Act and will examine her subsequent legal career in order to better understand her role in the fight for substantive equality. Normanton's battle to practise was an essential part of the struggle for women's legal equality during that period and therefore her life needs to be recorded, especially as the effort for equality is still ongoing. Normanton's archives are too sketchy for an honest and complete biography, but much of her journey towards practice as a barrister can be told, especially when placed in the context of the women's movement. Her story is essential because, as Parry wrote, 'appreciation of the role of the individual agent can influence if not steer the course of

the wider legal, historical and social development'.¹ Female lawyers need to understand their heritage as women now total half of law undergraduate entrants.

Normanton's entry to an Inn of Court marks women's formal entry to the legal profession. Her career is a good example of the beginning of women's struggle for substantive equality in the legal profession. Her story needs to be revealed and examined 'to produce a more complete and truthful explanation of how things were, and how they are now'.²

¹ Parry, R. G. 'Is Legal Biography Really Scholarship?' (2010) 30 *Legal Studies* 208-229, p. 208.

² Auchmuty, R. 'Whatever happened to Miss Bebb' *Legal Studies* Vol. 31 No. 2, pp199-230, p. 201.

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List of Abbreviations

<i>Bebb</i>	<i>Bebb v Law Society</i> [1914] 1 Ch. 286
CMW	Council of Married Women
DLRU	Divorce Law Reform Union
MPITRC	Married Person's Income Tax Reform Council
MT	Middle Temple
MWA	Married Women's Association
NFWT	National Federation of Women Teachers
NCEC	National Council for Equal Citizenship
NCW	National Council of Women
NUSEC	National Union of Societies for Equal Citizenship
NUWSS	National Union of Women's Suffrage Societies
NWCA	National Women Citizen's Association
ODNB	Oxford Dictionary of National Biography
TNA	The National Archives
UWV	Union of Women Voters

WL	The Women's Library
WFL	Women's Freedom League
WSPU	Women's Social and Political Union

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With special thanks to Pat Thane for all her help, guidance and patience. Much gratitude is owed to the librarians at the British Library, the Inns of Court, in particular Lesley Whitelaw at Middle Temple, and the Women's Library for their assistance and kindness. Many thanks are owed to Judith Hodson, archivist at Varndean, for her generosity. I am indebted to Frances Burton for her unfailing kindness during the period of this thesis and in particular for our monthly 'reading' meetings in the BL (and for all the tea and cake). Gratitude is also owed to Caroline Derry and Avis Whyte for their constant encouragement and help. Mary Jane Mossman answered an unsolicited email from me and returned it with an abundance of information and warm encouragement. Patrick Polden also met with me and provided invaluable help. Thank you to the researchers who have found me: Rose Pipes and Elizabeth Cruickshank and for sharing their knowledge. Thanks are also due to Mari Takayanagi for sharing her work on the Sex Disqualification (Removal) Act 1919. I am grateful to Robert Walker and Christopher Forsythe who have been invaluable in providing information about the Bar. I am also grateful to my whole extended 'family' (that includes friends) for their support and love. And finally, apologies to my children who have suffered an often absent mother and a husband without whom this would never have been written.

This thesis is for my parents who were both denied an education.

Introduction

'I longed to go to prison with the rest of my comrades in the fight [to vote] but I knew that this could never be because, if I had a prison sentence, I would never be able to open the profession of law to women, which I regarded as my job in life.' Helena Normanton, 1950.³

This thesis will focus on Helena Normanton's contribution to the formal opening of the legal profession (in particular the Bar) to women. It will consider her role in the passing of the Sex Disqualification (Removal) Act 1919, which granted a significant degree of formal equality. It will then examine her subsequent legal career in order to better understand her role in the fight for substantive equality. Helena's story is remarkable on many levels, not least because she was from a lower-class and non-legal background, and was initially prevented by the law from achieving her goal. She went on to become the first woman to be admitted to an Inn of Court (Middle Temple), the first woman to hold briefs both in the High Court and the Old Bailey,⁴ and one of the two first female King's Counsels in England and Wales, and she practised law until past the normal retirement age. Helena was not the first women to be called to the Bar (that honour went to Ivy Williams), though, as she

³ Speech by Helena Normanton to members of the Suffragette Fellowship, 6 February 1950, WL: 7HLN/4

⁴ The first woman to be briefed in any court was Monica Geikie-Cobb, in December 1922: see Polden, P. 'Portia's Progress: Women at the Bar in England, 1919-1939' *International Journal of the Legal Profession*, Vol. 12, No.3, November 2005 pp293-33, at p. 315.

commented in an article written about herself, 'I shall never get this error out of the minds of the Press'.⁵

Normanton was born into a modest background 1882, in Stratford, East London, to parents who separated shortly after the birth of her younger and only sibling, Ethel, when Normanton was aged two. Her father died in 1886, leaving her mother to raise her daughters alone. Her mother's ambition was that both of her daughters would become independent and autonomous, in an era when women were essentially legal non-persons. Normanton trained as a teacher, gained a history degree through extension studies and finished her teaching career as an extension lecturer to the University of London. Around 1916 she moved to London and at first was a tutor and extension lecturer, then edited the political weekly *India*. All the while she was part of a network of women campaigning for equality for women. In 1918 she vigorously stepped up the campaign to open the Bar to women, by very publicly attempting to enter an Inn of Court. Would-be barristers could not formally train for the Bar without membership of an Inn of Court, so membership was paramount. Normanton became the first woman to be admitted to an Inn, Middle Temple, in 1919, immediately after the passing of the Sex Disqualification (Removal) Act.

Normanton's first attempt to enter Middle Temple in February 1918 was refused on the basis of the legal judgment held in *Bebb v Law Society* [1914] 1 Ch. 286 which concerned solicitors.⁶ Her subsequent admission and legal practice are vital to our understanding of how the Bar opened up to women and who were the central players. Very little has been

⁵ WL: 7HLN/A/10. Article headed 'Mrs Helena Normanton' *The Canadian White Women Tidings* June 1925

⁶ This is dealt with in chapter 3

recorded about the first women barristers. Pioneers need documenting and their contribution acknowledged.⁷ Until recently⁸ barristers were prohibited from advertising their services.⁹ In consequence Normanton (like, presumably, her contemporaries) was reluctant to behave in any way that could be construed as self-publicising, such as writing about her experience at the Bar or giving interviews. Despite this compunction she was the subject of numerous accusations of self-publicising, which resulted in disciplinary inquiries. This may explain the shortage of written material about her: she was too fearful of being struck off to give interviews or record her experiences. This lack of first-hand documentation on the first women barristers causes difficulties and gaps in our understanding of their stories.

Why did Normanton hold such a strong and unyielding ambition to become a barrister?

What is the explanation for her challenge to the male exclusivity of the legal profession?

This is central to her story. Mossman recognised that ‘the specific circumstances of individual women clearly shaped the opportunities and strategies available to them.’¹⁰

Placing the spotlight¹¹ on Normanton, a key figure, as an aspect of change illuminates our understanding of the context of the 1919 legislation and later struggles experienced by those first women barristers. Mossman quoted Glazer and Slater¹² who, in their study on

⁷ This was argued in Riley, D. *Am I that name? Feminism in the category of 'women' in History* Basingstoke, Macmillan 1988 pp. 67-95

⁸ Legal Services Act 2007

⁹ Today they are governed by Bar Standards Board, Part VII-Conduct of Work by practising barristers, regulation 709.1 and 709.2

¹⁰ Mossman, M. J. *The First Women Lawyers. A Comparative Study of Gender, Law and the Legal Professions*. Hart Publishing, 2006, p. 10.

¹¹ Purvis, J *Emmeline Pankhurst: A Biography* Routledge, 2003 p. 4

¹² Glazer' P. M. And Slater, M. *Unequal Colleagues: The Entrance of Women into the Professions, 1890-1940*. Rutgers University Press, New Brunswick & London, 1997, p.43 in Mossman, 2006, op cit, p. 10.

the professions in the United States, stated that women's strategies varied in response to their circumstances and their responses reveal 'the texture, the range, and the limits of the possible in these women's lives.' For Normanton, a trip with her mother to a solicitor as a child was the catalyst for her determination to become a lawyer. In 1932¹³ she recalled the incident in the introduction to her book, *Everyday Law for Women*. She described how, as a twelve year old, she had accompanied her mother to seek legal advice on a mortgage matter. Her mother did not understand the advice given and the solicitor remarked 'I am sure that your little girl understands what I have told you, from the look on her face'. He then made Normanton recite his advice, which she did. He further remarked 'Quite the little lawyer' and she vowed there and then that she would become a lawyer when she grew up, as she did not like to see her mother so 'nonplussed'. Normanton realised this childhood ambition¹⁴ and this ambition influenced and directed the course of history: women entered the Bar partly because of her individual struggle. This, in turn, widened other women's aspirations and opportunities: she shaped history.

Normanton's aspirations were set in a climate of hostility to women's rights, which will be examined in chapter 2, an obvious example being the denial of the vote to women. Despite these hostilities she persisted in trying to realise her ambitions. Polden has described her as 'the pioneer'.¹⁵ However, she was not the first woman to try to enter the Bar, but rather came from a line of women who had tried (and failed) in the past. The Press portrayed her (unimaginatively) as 'Portia', as the 'first' and a figurehead of that movement, yet she was

¹³ Normanton, Helena, *Everyday Law for Women*, 1st edition, Richard Clay & Sons 1932, p.6.

¹⁴ Her first brief was *Searle v Searle* 1922, WL: 7HLN/A/04 (transcript).

¹⁵ Polden, 2005, op cit, p. 308

not alone. Normanton did not accept this accolade in her early career, but by the end of her career she was confident in her professional role and desired recognition for it, and a reward.

Normanton's story assists us in further understanding the feminist movement of the inter-war years which has sometimes been described by historians as fractured¹⁶ or as having collapsed. Others have described the movement as being divided into two distinct groups: the 'old' feminists and the 'new' feminists.¹⁷ Thane suggests that neither approach is 'wholly mistaken, but is far from being a complete representation of a complex set of processes.'¹⁸ Normanton's working life after the passing of the Sex Disqualification (Removal) Act illustrates the battles facing women after 1919 and their activities to promote gender equality during the inter-war years.¹⁹

¹⁶ O'Neill, W. *The Woman Movement: Feminism in the United States and England* London George, Allen and Unwin 1969, p. 93.

¹⁷ Banks, O. *The Politics of British Feminism 1918-1970* Penguin, Aldershot 1993, p. 80.

¹⁸ Thane, P. 'What Difference Did the Vote Make?' In Vickery, A. *Women, Privilege, and Power, British Politics, 1750-Present*, Stanford University Press, Stanford, California, 2001, 253-288, p.253.

¹⁹ Much was achieved during the inter-war years, for example better maternity services (Midwives Act 1918 and the Nurses Registration Act 1919), marriage and divorce reform (Married Women (Maintenance Act) 1920, Summary Jurisdiction (Separation and Maintenance Act 1925, Deceased Brother's Widow's Marriage Act 1921, Administration of Justice Act 1920, Matrimonial Causes Act 1923, Matrimonial Causes Act 1937), murder was reduced for women who committed infanticide with the Infanticide Act 1922 and 1938, the age of consent for marriage was raised to 16 with the passing of the Criminal Law Amendment Act 1922, parents were given equal guardianship if divorced with the Guardianship of Infants Act 1925, the vote was equalised with the Representation of the People (Equal Franchise) Act 1928, women were allowed to sit in courts of arbitration with the Industrial Courts Act 1919, the stigma of illegitimacy was reformed with two Acts: Bastardy Act 1923 and Legitimacy Act 1926.

Why write a feminist biography?

Normanton's life story is important for historians and in particular for current and would-be women lawyers. It helps to explain women's current position at the Bar. As Drachman argued:

*'[T]he professional and personal challenges that confront women lawyers today did not have their origins in the 1960's, as many have suggested. Rather, they reach back ...to the pioneer generation of women lawyers who were the first to articulate and grapple the challenges facing women in the legal profession.'*²⁰

Women's current position needs to be viewed within its historical context. We need to understand the position that women have come from in order to understand their position today. Normanton's life marks the legal beginning of women at the Bar. Only by understanding this beginning can we understand not only women's current position but also the journey that women have taken to that current position. Prejudice, sex discrimination and the 'glass ceiling' need to be understood in context in order successfully to break them down. There are still few women judges, so understanding the relationship between the system of law and the experts who operate it is vital to ensuring gender equality within the profession.²¹

This thesis has focused on primary sources, chiefly Helena's Normanton's archives held at the Women's Library (WL). These archives consist of eighteen boxes of scrapbooks, newspaper cuttings, photographs, and incomplete sets of fee books and case books.

²⁰ Drachman, V. G. *Women lawyers and the Origins of Professional Identity in America: The letters of the Equity Club 1887 to 1890* Ann Arbor, University of Michigan Press 1993 at vii.

²¹ This is explored in Baker, J. *An Introduction to English legal History* Butterworths 200 4

However, while her barrister's bands and KC's shoe buckles have been carefully preserved, there are no personal letters or diaries. Normanton was mentioned continuously in the Press, but any other record of her entry to the legal profession and her subsequent legal career outside of the archives is almost non-existent.

This is a problem which has been faced by many feminist biographers.²² For example, Oakley²³ faced this issue when writing Barbara Wootton's biography. Wootton too left limited material behind, and Oakley commented 'The material records a person leaves behind are a footprint of a character as well as the way the life was lived.'²⁴ It is difficult to understand why some of Normanton's papers are missing, such as several of her case and fee books. Normanton had been a teacher of history and must have appreciated the significance of her position as the first woman to enter an Inn of Court, but the level of attention given to her written legacy is unclear. Her will did not mention where her papers should be deposited on her death, yet the absence of private papers, for example, suggests that some editing occurred. It is unclear who edited her papers, although the likeliest candidates are her niece, Elise Cannon, who donated the papers to the Fawcett Library or Normanton herself.

²² Alpern, S, Antler, J, Israel Perry, E, Wither Scobie, I. *The Challenges Facing Feminist Biography: Writing the Lives of Modern American Women*, University of Illinois Press, 1992 p. 11.

²³ Oakley, A *A Critical Woman Barbara Wootton, Social Science and Public Policy in the Twentieth Century* Bloomsbury Academic, 2011

²⁴ Ibid, p. 9

Oakley²⁵ provides a possible answer as to why some papers may be missing. She describes the past convention that the personal should be kept separate from the public life; that in the past the public story was perceived as the story worth telling and not the private one. Perhaps this was uppermost in the mind of Normanton or whoever organised her papers after her death.

How do we deal with such significant gaps in the records? The question is particularly important for feminist biographers. As Oakley states, feminists²⁶ argue the personal is the political and that the private story is part of the public story and the public life meshes with the social one. While male biographies celebrate male achievement and often fail to consider their private life,²⁷ such partial investigation poses particular issues in writing women's lives. Women often bear the brunt of domestic labour and family care, so women's private lives are relevant to their achievements; but at the same time their privacy must be considered.²⁸

However, absences and omissions are not without their own value. Oakley suggests that some secrets should remain hidden and save us from the illusory trap of the 'one true story'.²⁹ Normanton was not a unitary or coherent figure, but rather as Purvis³⁰ described Emmeline Pankhurst in her biography: 'shifting and fragmented'. There may be good

²⁵ Ibid, p. 9

²⁶ ibid

²⁷ Ibid p. 7

²⁸ Ibid p. 11

²⁹ Ibid p.11

³⁰ Purvis, J. *Emmeline Pankhurst: A Biography* Routledge, 2002, p.4

reasons for the personal papers' disappearance, beyond the conventions of the time. It is possible that Normanton simply did not want that story to be told, just as Wootton did not. That poses its own questions about the responsibilities of the biographer, and Bartley³¹ offers one compelling answer in her biography of Emmeline Pankhurst. Bartley consciously concentrated on the political rather than the personal as Pankhurst was intensely private and had lived her life in the glare of publicity.³² This thesis takes a similar approach: whatever the reason for the lack of Normanton's personal papers, they do not exist and it has been a conscious decision not to surmise or to fill in the gaps without some kind of documentary proof

Pam Hirsch faced similar problems of missing information when writing her biography of Barbara Leigh Smith Bodichon.³³ Bodichon was wealthy (unlike Normanton),³⁴ committed to working for other women (like Normanton).³⁵ Her story could not be told completely by Hirsch because of missing fragments.³⁶ Hirsch remained faithful to the facts and described herself as a mosaicist, not attempting to replace any facts but rather letting the gaps 'cement the undecorated state.'³⁷ This problem with gaps was also experienced by Lesley Hall in her biography of Stella Browne:³⁸ personal letters had not survived and much of the

³¹ Bartley, P. *Emmeline Pankhurst* Routledge, 2003

³² Ibid p. 5

³³ Hirsch, P. *Barbara Leigh Smith Bodichon: Feminist, Artist, Rebel* Chatto and Windus, 1999, p. 5.

³⁴ Ibid, p. 2

³⁵ Ibid, p. 2

³⁶ Ibid p. 5

³⁷ Ibid.

³⁸ Hall, L. *The Life and Times of Stella Browne: Feminist and Free Spirit* B. Tauris & Co. Ltd, 2011

information was scant or missing.³⁹ Hall reflected that Browne was ‘not unique, but a prism through which we can examine numerous issues and shedding light into many obscure corners.’⁴⁰ Similarly, this account of Normanton will shed light into the campaign for the right for women to enter the legal profession.

There are other reasons for even feminist biographers to keep their focus upon the public life of their subject. First, the more engaged one is with one’s subject and her political struggle, the greater the dangers personal identification can pose:

‘The validating stress that feminist theory has laid on the personal, the confusions about the role of the personal in our theory, the urgency and the fervour associated with the movement to redress historical and current injustice – all make feminist biographers of women more susceptible to uncritical identification.’⁴¹

Secondly, the starting point of biographers of early women lawyers may lead them away from attention to their subjects’ personal lives. Mossman identifies those questions As:

‘What difference does it make that Clara Brett Martin succeeded in becoming a lawyer in 1897, and what difference should it make that the legal profession increasingly includes large numbers of women as well as men? Beyond the careers of individual women lawyers, what impact will the advent of a significant number of women in the legal profession have on the practice of law, on legal rule

³⁹ Ibid pp.4-5.

⁴⁰ Ibid p. 6.

⁴¹ Bell Chevigny, ‘Daughters Writing: Toward a theory of women’s biography’ in Carol Ascher, Louse DeSalvo and Sara Ruddick (eds), *Between Women: Biographers, Novelists, Critics, Teachers and Artists Write About Their Work on Women*, Beacon Press, 1981, 357 at pp 375-6.

and concepts, not the roles lawyers play in our society? Most importantly, will women who become lawyers be just like men who are lawyers, or will they bring a new dimension to lawyering?⁴²

Those questions are as urgent for feminist lawyers today and direct the feminist biographer's attention to the wider legal profession and system rather than to the individual's personal life. That leads to a related question facing the feminist biographer: whether one should even be writing the biography of a single subject. As Liz Stanley points out, the 'spotlight approach' has limitations:

'It emphasises the uniqueness of a particular subject, seen as an individualised self rather than a social self-lodged within a network of others. It casts the people known and liked or disliked throughout the subject's life into the shadows; and so doing has enormous interpretive importance for the way we understand 'a life', not only as textually related but also as interactionally understood. It essentialises the self, rather than focusing on the role of social processes in producing – and changing – what 'a self' consists of. And it enshrines an entirely depoliticised notion of 'greatness', presenting this as a characteristic of individuals rather than the product of political processes and constructions.'⁴³

Nonetheless, the approach is not without its temptations in analysing Normanton's life since her archives often present her as a solitary and lone figure in her struggle to enter the Bar. Yet, careful reading of her archives demonstrate she was part of a large network of women

⁴² Mossman, M. J, 'Portia's progress: Women as Lawyers-Reflections on Past and Future' (1988) 8 *Windsor Yearbook of Access to Justice* 252 at 266.

⁴³ Stanley, L. 'Romantic Friendship? Some Issues in Researching Lesbian History and Biography' 1(2) (1992) *Women's History Review* 193-216 at p 194.

who were fighting for equality in all aspects of life, not just of the legal professions. These networks were essential for women to maximise their social influences.⁴⁴ Such networks are still used today because they develop ‘a sense of community among women, rooted in their common oppression and expressed through a distinctive women’s culture’⁴⁵ as they would have done then. Normanton’s networking can be seen through her membership of various groups and organisations and it demonstrates her use of such membership as a way of campaigning and communicating her desire for social, economic and legal change, as well as furthering her own career. We will look at her membership of such organisations in chapter 2. These organisations campaigned for essential human rights and reforms in areas such as the vote, equality in education, marriage and employment, custody of children and protection from violence. Normanton was not a lone voice but acted within a much larger and older movement and to understand her activities, she needs to be placed within the women’s movement and her involvement sketched in, together with brief insights into her friendships and hospitality.⁴⁶

However, Normanton was always somewhat individualistic, and something of an outsider even within the group of women seeking admission to the Bar.⁴⁷ Thus Stanley’s alternative to the ‘spotlight approach’, one which ‘combines the detailed specificity of biography with a

⁴⁴ Ryan, M. P. ‘The Power of Women’s Networks: A Case Study of Female Moral Reform in Antebellum America’ *Feminist Studies* 5, No. 1 (Spring 1979) 66-85, at 66.

⁴⁵ Hewitt, N. A. ‘Beyond the search for sisterhood: American women’s history in the 1980s’ *Social History*, Vol 10, Issue 3, 1985, 299-321 at 299.

⁴⁶ See Chapter 5 in relation to the Miss Ashford matter.

⁴⁷ We will see in Chapter 5 that Normanton was sent an anonymous letter (WL: 7HLN/A/01) by a ‘well-wisher’ warning her of jealousy from other women at the Bar.

social and sociological view of individual lives, and also both of these with a broad knowledge of the social, economic and political context within which those lives were located' is only partly appropriate here.⁴⁸ A group biography or primary focus upon networks and friendships would do violence to the way in which Normanton lived and worked.

There are also sound political reasons for writing the biographies of individuals. Normanton's choices and ambitions shaped women's legal history and thus unveil her life and place her in her true historical position: a feminist legal and social pioneer. No biography of her has been written. Little is known about her or her struggle to become a barrister. Who was Helena Normanton? She, like the other first women lawyers, has not been fully remembered. This is not uncommon, Sanger wrote:

'Women have lacked an organised endeavour of remembrance-of what the significance of an individual life is, and what counts as memorialisation-that has existed for men'.⁴⁹

Nonetheless, Stanley's exhortation that we concentrate upon 'structure and process, and individuals and collectivities, treated as symbolically related' is valuable here.⁵⁰

⁴⁸ Stanley, L. 1992, op cit, p. 194.

⁴⁹ Sanger, C. 'Curriculum Vitae (Feminae): Biography and Early American Women Lawyers' (1994) 46 *Stanford Law Review* 1245 at p.1281

⁵⁰ Stanley, 1992, op cit, p. 194.

Conventional historiography⁵¹ narrates women's entry into the legal profession as something granted to women in a continuous straight line of progress, yet the actual situation was more complicated, as Normanton's life demonstrates. Women tried all manner of strategies to enter the profession: petitions, litigation, lobbying, debating, using the Press and (as Elizabeth Orme⁵² demonstrated) finding other avenues that did not require legal qualifications to practice law. A similar story can be found in other jurisdictions, and the historiography of women lawyers' struggles follows similar themes, again, key features include legal cases brought by individuals⁵³ as well as more traditional political campaigning. What is clear from these other texts is that these women in their various countries were engaged in active struggle, rather than the fortunate recipients of progressive male benevolence.

Any linear explanation of women's entry into the English legal profession is flawed because it fails to illustrate that the Sex Disqualification (Removal) Act was not awarded in such a simple (or benevolent) way. Women did not earn (or need to earn for that matter) their

⁵¹ For example in Cretney, S. *Family Law in the Twentieth Century: A History* Oxford University Press 2011 mentions the Act in passing without mention of the struggle to achieve it, see in particular p.103, but also pp571 and 658.

⁵² See Chapter 2

⁵³ Literature includes, but is not solely confined to Morello, K.B. *The invisible Bar: The Woman Lawyer in America 1638-the present*, Random House: New York, 1986; McNamee, G.H. 'Alta May Hulett' in MacNamee, G.H. (ed), *Bar None: 125 Years of Women Lawyers in Illinois* Chicago, Chicago Bar Alliance for Women, 1998; Drachman, V. G. *Women Lawyers and the Origins of Professional Identity in America: The Letters of the Equity Club, 1887 to 1890*, Ann Arbor, University of Michigan Press, 1993; Drachman, V. G. *Sisters in Law: Women Lawyers in Modern American History* Cambridge, MA, Harvard University Press, 1998; Fineman, M. A. *Transcending the Boundaries of Law: Generations of Feminism and Legal Theory* Routledge, 2011; Norgren, J. *Rebels at the Bar: The Fascinating, Forgotten Stories of America's First Women Lawyers*, New York University Press 2013; Backhouse, C. 'To open the way for others of my sex': Clara Brett Martin's Career as Canada's First Woman Lawyer' (1985) 1 *Canadian Journal of Women and Law* 1; Mossman, 2006, op cit: Thornton, M, *Dissonance and Distrust: Women in the Legal Profession*, Oxford University Press: Oxford, 1996.

rights, rather they demanded them as equal citizens.⁵⁴ The linear explanation of mainstream history does not acknowledge Normanton's or the women's movement's role. This is evident from the lack of historiography relating their struggle in any detail. Such an explanation has led to the disappearance of Normanton, and the other women who fought prejudice and inequality in the legal profession, from history. Historians have so far failed to examine her contribution and personal sacrifice, or to recognise that she was a political activist fighting for her basic human right to participate in the public sphere. The Government, judiciary, barristers, solicitors and the Inns of Court did not just accept women as lawyers because of women's war effort, but were coerced by the campaigning of the women's movement. The law was intrinsically a masculine profession and lawyers sought to keep it that way. Gidney and Millar, in their study of professionals in Ontario in the nineteenth century, asserted that 'maleness' was the essential criterion in deciding whether an occupation was a profession or not.⁵⁵ Normanton was not male.

Normanton's story did not end after qualification for the Bar. Her formal entry to the legal profession did not mean that the battle for equality was over and that prejudice and discrimination had ended. She still needed to break down prejudice and discrimination that would affect her ability to practice. This was her role in attempting to achieve substantive equality. As Thane points out, few believed that the battle for equality was over after the 1918 Representation of the People Act that allowed women over 30 the right to vote for the first time:

⁵⁴ Normanton saw these rights as being set down in the Magna Carta.

⁵⁵ Gidney, R. D. and Millar, W. P. J. *Professional Gentlemen: The Professions in Nineteenth Century Ontario*. University of Toronto Press, Toronto, 1994 at p239.

‘Many influential suffragists were shrewd enough politically and had enough experience of the extent of the opposition to their cause to be less optimistic [as to the extent of the social, statutory and economic change brought about by the right to vote], to expect the struggle to continue and the change to be slow.’⁵⁶

Prejudice throughout her career would affect Normanton in many ways, such as in the court room and how her clients and instructing solicitors perceived her. It also manifested itself in controversy over accusations that she was guilty of self-publicising, accusations that would blight her career. She never managed fully to live on her earnings from the Bar, but this may have been true of many male barristers. She longed to become a judge but never managed to fulfil this ambition. This can be described as hitting a ‘glass ceiling’ which she could not break through, a complaint many women lawyers have today. Despite all of this she refused to give up. She understood that acceptance of women would be slow and she knew this was part of her self-imposed role in opening the Bar to women. Her career history needs careful examination as it contributes to our understanding of the experience of many of the early women lawyers. By understanding this history we can recognise that women’s entry did not mark the end of discrimination but was rather the beginning of a new and continuing kind. Less overt in form, that enduring discrimination can only be understood through a nuanced analysis of Normanton’s subjective experiences, as well as objective achievements, at the Bar.⁵⁷

⁵⁶ Thane, P, 2001, op cit, p. 2

⁵⁷ On continuing discrimination, see McGlynn, C. *The status of women lawyers in the United Kingdom* in Schultz, U. And Shaw, G. (eds) *Women in the World’s Legal Professions* Oxford: Hart Publishing, 2003 pp139-158.

Normanton's story is one of many, but it is an essential part of our understanding of the struggle for women's legal equality. It needs to be recorded, especially as the effort for equality is ongoing. Auchmuty wrote:

*'these questions are intrinsically interesting, but also necessary for anyone who wishes to re-frame institutional history from the perspective of women and reform movements. At the same time, fleshing out the human actors provides students and young lawyers with role models and the possibility of experiencing empathy, while also challenging the dehumanised 'objectivity' so central to the lawyer's training.'*⁵⁸

However, we should not expect those women to be perfect or necessarily to provide us with straightforward role models. We should not sentimentalise them:

*'Biographical subjects do not necessarily live their lives in order to be role models for future women. As Biographer Sara Alpern observes, her subject was simply a human being doing the best she could''.*⁵⁹

Purvis⁶⁰ urges the writer of biography to find their subject's voice, whilst being aware of the sources and the writer's own feelings. I am aware that my primary motivation for writing this thesis is to 'rescue' Helena from anonymity.⁶¹ Normanton's voice has been lost and this thesis attempts to replay that voice to a new generation and to construct Normanton's story

⁵⁸ Auchmuty, R. ,Whatever Happened to Miss Bebb? *Bebb v Law Society* and women's legal history *Legal Studies*, Vol. 31 No. 2, June 2011, pp199-230, p201

⁵⁹ Sanger, C. 1994, op cit, p.1281, Sanger quoted Sara Alpern, Alpern, S. *In Search of Freda Kirchway: From Identification to Separation* in Alpern, S, Antler, J, Israel Perry, E, Wither Scobie, I. *The Challenges of Feminist Biography: Writing the Lives of Modern American Women*. University of Illinois Press, 1992, p. 172

⁶⁰ Purvis, J, 2002, op cit, p.4

⁶¹ Oakley, A. 2011, op cit, p. 2

in writing, not, as Oakley remarked, to 'reconstruct the past'.⁶² Oakley highlighted the problems of the biographer becoming too intimate with their subject. This is something that I have been intently aware of throughout the thesis process. I have done my best to remain objective and neutral, although it is true that I have enormous respect for her and hold a great debt of gratitude towards her: it is because of her that I was able to practice law. Oakley reminds us that there is no such thing as an authentic story of a person's life⁶³, rather just stories about lives. Hermione Lee, in her biography of Virginia Woolf,⁶⁴ described being 'afraid' of her subject: of being fearful of letting her down,⁶⁵ of not being clever enough or of making presumptions. These are very real fears of this author and have been a constant source of anxiety all through this study. Importantly Lee also reminds us that just as lives do not stay still nor can the writing remain fixed.⁶⁶ History is determined by the time in which it is written and considered.

Purvis⁶⁷ writes eloquently that there are always concerns about the complexities of interpreting written, oral and visual sources, as well as the way a biographer relates to their sources. She says that for some the writing of biography is a fiction, which bears little resemblance to the lived experience of the subject. She urges that the self is not a unitary or coherent entity, rather shifting and fragmented. Postmodernism refuses to accept a master narrative and that biography is merely an attempt to spotlight a key figure as an agent of change. Purvis argues that this is an historical moment and does not invalidate

⁶² Ibid p. 4

⁶³ Ibid, p. 3

⁶⁴ Lee, H. *Virginia Woolf* Vintage 1997

⁶⁵ Ibid p. 3

⁶⁶ Ibid, p. 11

⁶⁷ Purvis, J. 2002, op cit, p.4

biography. In fact, she goes on that the study of a particular life can illuminate historical situations as well as our understanding of the person studied. Finally she argues that all biographies are selective.

Legal education has essentially ignored women's role in this particular equality campaign and it is time to revisit this period and piece together the women behind the story.

Currently little is known about Normanton apart from the bare facts of her life. Why did she want to pursue a career at the bar at a time when it was illegal? How did she become the first woman to join an Inn? What was her practice like? How did she combine her femininity with such a 'male' profession? How can we judge her success at the Bar? What is her true historical achievement? Why is her achievement not recognised in conventional historical literature?⁶⁸ The answers to these questions will provide current lawyers with a benchmark to assess women's current position.

Primary and secondary sources

The starting point for this thesis was Normanton's entry in the Oxford Dictionary of National Biography⁶⁹ which offers an outline of her life – but does depend rather heavily upon notes from Elsie Cannon, Normanton's niece; unfortunately, there is no independent verification of some of these assertions. Cannon possibly 'edited' Normanton's papers before donation to the Fawcett library. This would have enabled her (or whoever went through the papers)

⁶⁸ Little is written about Normanton save an article by Polden, P. 'Portia's Progress: Women at the Bar in England, 1919-1939' (2005) 12 *International Journal of the Legal Profession* 293.

⁶⁹ Joanne Workman, 'Normanton, Helena Florence (1882–1957)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

to select material for donation or destruction. This is similar to the problem experienced in oral history where participants are able to select their topic; they can be selective with their story.⁷⁰

I have attempted to build on Cannon's notes and expand this information. This has been done through careful examination of Normanton's archives held at the Women's Library. We are fortunate in having this substantial (though very far from complete) archive of Normanton's papers. However, the inevitable omissions in this primary material are not the only challenge in understanding Normanton's career and wider role in the legal profession. The secondary literature has some surprising gaps, notably an absence of wider exploration of the opening of the Bar to women and the social and political context in which this occurred.

These sources have raised challenges in interpretation. Biography is both a science and an art.⁷¹ It is a neglected area⁷² which makes history more accessible.⁷³ It has its difficulties and has been described as a 'Berlin wall' with large gaps in it between fiction and fact.⁷⁴ This has raised the question of whether biography is literature or history.⁷⁵ Biography is not fiction, but must be based in fact and supported by evidence. There is a danger that the author will infuse the subject with their own feelings. This has been considered in *The*

⁷⁰ Yow, V. *Recording Oral History* Rowman and Littlefield, 2005, p. 6.

⁷¹ Fleming, R. B. *Boswell's Children: The Art of the Biographer* Durdum Press, 1992, p. iv.

⁷² Ibid p. 201

⁷³ Ibid p. 260

⁷⁴ Ibid.

⁷⁵ Yow, V. 2005, op cit, p. 221

*Challenges of Feminist Biography: Writing the Lives of Modern American Women*⁷⁶ which identifies the biggest challenge facing the biographer as the problem of reliable and sufficient documents and the frustration of secondary sources: something that presented difficulties in this thesis.

Normanton's papers can be divided into seven broad areas: papers relating to her career and legal work; matrimonial reform; publications and articles; other interests; photographs; press cuttings; and objects. There are also materials relating to Helena in the archives of the Council of Married Women,⁷⁷ the Married Women's Association;⁷⁸ and the National Women's Council.⁷⁹ These additional archives are of interest to Helena's divorce practice, and will form the basis of later material on Helena's work and contribution to the women's movement. The major issue with Helena's archives has been their incompleteness: the missing case books and fee books and the absence of personal papers. Much of my written construction of her legal career has had to rely on newspaper reports and letters from prisoners.

Much has been written about other feminists who lived and campaigned at the same time as Normanton. These have been useful in placing Normanton in her historical context. They have also been helpful when approaching how to refer to Helena Normanton. Calling her by her first name might have seemed appropriate, as today we seldom use such a

⁷⁶ Alpern, S, Antler, J, Israels Perry, E, Wither Scobie, I. *The Challenges of Feminist Biography: Writing the Lives of Modern American Women*. University of Illinois Press, 1992

⁷⁷ WL: 5CMW

⁷⁸ WL: 5MWA

⁷⁹ WL: 5NWC

convention, and Normanton was very much a woman who defied convention. She was very much a modern woman. She was to some extent ahead of her time in her insistence in retaining her maiden name. She did not stand by formality (except in a courtroom) and often maintained her connection with her clients, extending beyond the professional. However, it has been suggested that male subjects in biographies are referred to by their surnames⁸⁰ and that by referring to Normanton as Helena belittles her. Additionally, the use of surnames is standard in academic works. As this an academic study I will follow traditional convention.

There are remarkably few scholarly or other texts written about the first women to practice at the Bar. Patrick Polden⁸¹ has written two articles on women at the Bar: *Portia's progress: women at the Bar in England, 1919-1939*⁸², in which he sets out the statistics and the central players in the movement to open up the Bar; and *The Lady of the Tower Bridge: Sybil Campbell, England's first woman judge*⁸³. Mary Jane Mossman⁸⁴ produced a comparative study of the first woman lawyers internationally,⁸⁵ which in turn focused on Eliza Orme's indirect approach to practising law in England in the 1870s (Orme engaged in conveyancing and patent work without seeking admission to either branch of the legal professions). In 2012 a biography was published of Rose Heilbron,⁸⁶ who along with Helena in 1949 became

⁸⁰ This is not a universal convention: see for example Sheard's biography on Brian Abel-Smith: Sheard, S. *The Passionate Economist-How Brian Abel-Smith Shaped the Global Health and Social Welfare* Polity Press Bristol 2014

⁸¹ Professor, Brunel University

⁸² Polden, 2005, op cit.

⁸³ Polden, P. 'The Lady of the Tower Bridge: Sybil Campbell, England's first woman judge' *Women's History Review*, Volume 8, Number 3, 1999, pp 505-526.

⁸⁴ Professor of Law at Osgoode Hall Law School of York University, Toronto.

⁸⁵ Mossman, 2006, op cit

⁸⁶ Heilbron, H. *Rose Heilbron* Hart Publishing, 2012

the first women Kings Counsel's in England. Although Heilbron's career began in 1939, some twenty years after Helena's entry to Middle Temple, it offers some insight into life at the Bar for women. Likewise Robina Stevens was a seventeen-year-old contemporary of Helena's and wrote a diary (now lost) in 1920 in which she described the life of a female Bar student. Gray's Inn magazine, GRAYA published the remaining fragment and although it is short it does illustrate the ingrained culture of sex discrimination and prejudice that was rife.⁸⁷

Moving slightly away from the Bar, Auchmuty offers a valuable understanding of the legal and social climate in England that faced Helena in her article on Miss Bebb, one of the four litigants who demanded that the solicitors' profession be opened to women in 1914.⁸⁸ It also succinctly explains why biography in this area is so important. Finally Mari Takayanagi wrote a comprehensive explanation of the passing of the Sex Disqualification (Removal) Act in *Parliament and Women, c.1900-1945* in her thesis which provides a framework within which to place Helena's campaign.⁸⁹

It is difficult to understand why so little has been written about the first women lawyers, especially women such as Ivy Williams⁹⁰ or Normanton. Internationally, there is a little more biographical literature. Indian lawyer Cornelia Sorabji has been written about extensively, but her life was very different from Normanton's and Sorabji backed British rule of India,

⁸⁷ Extract in GRAYA, No. 89, pp39-41.

⁸⁸ Auchmuty, 2011, op cit

⁸⁹ Takayanagi, M. C. *Parliament and Women, c1900-1945*, King's College London Thesis

⁹⁰ Hazel Fox, 'Williams, Ivy (1877-1966)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 William's was the first woman to be called to the Bar.

something that Normanton was extremely opposed to.⁹¹ Much has been written about the first American female lawyers.⁹² Notably, the life of America's first woman lawyers has been described in Friedman's biography of Myra Bradwell,⁹³ which also gives a flavour of the society and times albeit in a different country.

Whilst Rose Helibron's life remains the only recorded biography of an early woman barrister, there are relevant biographies of Normanton's feminist contemporaries. These are helpful in understanding the strategies that women employed in order to secure rights. Oakley's⁹⁴ biography of Barbara Wootton⁹⁵ explores the life of an academic and feminist activist, although unlike Normanton she attended university and came from a comfortable middle class family. That financially secure background was shared by many other feminist campaigners including Josephine Butler,⁹⁶ Virginia Woolf⁹⁷ and Lady Rhondda.⁹⁸ The latter

⁹¹ Literature includes, but it is not confined to: Gooptu, S 'Cornelia Sorabji, 1866–1954: A Woman's Biography', DPhil diss., U. Oxf., 1997, Gooptu, S, *Cornelia Sorabji, India's Pioneer Woman Lawyer: A Biography* New Delhi and New York, OUP 2006; and Burton, A, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865–1915* The University of North Carolina Press, 1994.

⁹² For example Babock, B. A. 'Reconstructing the Person: the case of Clara Shortridge Felz' in Bell, S. G and Yalom, M. (eds) *Revealing Lives: Autobiography, Biography and gender* Albany Press 1990; Cott, N. 'Women as Law Clerks: Catharine G Waugh' in Stanton, D. C. *The Female Autograph* New York, New York Literary Forum, 1984; Drachman, V. 1993, op cit; Friedman, J *America's First Woman Lawyer: The Biography of Myra Bradwell* Buffalo, Prometheus Books, 1993; Glazer, Migdal and Slater *Unequal Colleagues: The Entrance of Women into the Professions, 1890-1987* New Brunswick and London, Rutgers University Press, 1987; Garza, H. *Barred from the Bar: A History of Women in the Legal Profession* New York, Franklin Watts, 1996; Hagan, J & Hagan, F. *Gender in Practice: A Study of Lawyers' Lives* OUP, 1995; and Morello, K. *The Invisible Bar: The Woman Lawyer in America 1638 to the Present* New York, Random House, 1986

⁹³ Friedman, J. M. 1993, op cit

⁹⁴ Oakley, A. 2011, op cit, Oakley refers to Barbara Wootton as 'Barbara', apparently she did not like to stand on ceremony and urged others to call her by her first name.

⁹⁵ A. H. Halsey, 'Wootton, Barbara Frances, Baroness Wootton of Abinger (1897–1988)', rev. *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁹⁶ Fawcett, M. G. *Josephine Butler: Her Work and Principles* Portrayer Publishers, 2002

⁹⁷ Lee, H, 1997, op cit

was a contemporary of Helena's and they would certainly have known each other through Normanton's writings for 'Time and Tide' and Normanton's membership of the Six Point Group. Again, Normanton and Lady Rhondda were from different social classes and Lady Rhondda was university educated (albeit for a year). Her life has been written about in a biography by Angela John and sets the political and social scene for Normanton's campaigns.⁹⁹ Normanton's strategies to force the law to open up to women were similar to those used by Millicent Garrett Fawcett to achieve the vote:¹⁰⁰ liberal, but forceful. Jill Liddington¹⁰¹ wrote about the Spring of 1911 and the failure of women to boycott the census, again this illustrates the climate that Normanton was living in, even if not directly relevant to her struggle to enter the legal profession. Alberti¹⁰² wrote a biography of Eleanor Rathbone,¹⁰³ as did Susan Pederson,¹⁰⁴ again, Normanton must have known Rathbone through NUSEC and their shared interest in India. These works illustrate the network of women that Normanton was part of.

Jill Purvis's biography of Emmeline Pankhurst has already been referred to and this too places Helena's life into context.¹⁰⁵ Paula Bartley also considered the life of Emmeline

⁹⁸ Deirdre Beddoe, 'Thomas, Margaret Haig, suo jure Viscountess Rhondda (1883–1958)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁹⁹ John, A. *Turning the Tide: The Life of Lady Rhondda* Parthian Books 2014. John refers to Lady Rhondda as 'Margaret' without explanation or apology.

¹⁰⁰ Rubinstein, D. *A Different World For Women: the Life of Millicent Garrett Fawcett* Harvester Wheatsheaf 1991, for example public debates see p. 140-141

¹⁰¹ Liddington, J *Vanishing for the Vote* Manchester University Press 2014

¹⁰² Alberti, J. *Eleanor Rathbone* Sage 1996 – she refers to Rathbone as 'Rathbone'

¹⁰³ Susan Pedersen, 'Rathbone, Eleanor Florence (1872–1946)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹⁰⁴ Pedersen, S. *Eleanor Rathbone and the Politics of Conscience* University Press, Cambridge 2004, she also refers to Rathbone as 'Rathbone'.

¹⁰⁵ Purvis, J. 2002, op cit. Again, Purvis refers to Emmeline as 'Emmeline'.

Pankhurst.¹⁰⁶ Pankhurst is known mostly for her role as a suffragette, but her life and campaigns are useful when considering Helena's life. Pankhurst was, unlike Normanton, wealthy and middle-class,¹⁰⁷ but like Normanton, she championed the underdog. Bartley describes Pankhurst as 'ironies abound her',¹⁰⁸ which is also a useful way of describing Normanton, who having fought so fiercely for women's rights then suggested wives be paid a wage by their husbands for housekeeping, for which they would be both criminally and civilly liable. Pankhurst was also described as 'managerial',¹⁰⁹ which would also be a good description of Normanton in her later dealings with the women's movement. Like Pankhurst, Normanton was focussed on the issues rather than the politics,¹¹⁰ as well as being obsessive and committed to women's rights.

Given the limited secondary literature, this thesis will focus on primary sources, chiefly Normanton's papers held at the Women's Library (WL). While the omission of personal papers may have been a deliberate and understandable choice, it is perhaps more troubling that the handwritten draft of the Sex Disqualification (Removal) Bill 1919 which she claimed was placed here, is absent. Without it, there is no corroboration for her story of having been present at its conception. Normanton was a teacher, with a degree in history: the importance of archives would not have been lost on her, yet they were left in the hands of her niece, Elsie Cannon. Although we have Cannon to thank for donating them to the Women's Library, she was not sure on donation whether the materials were of any

¹⁰⁶ Bartley, P. 2002, op cit, p. 8.

¹⁰⁷ Ibid, p. 2

¹⁰⁸ Ibid, p. 2.

¹⁰⁹ Ibid, p. 3.

¹¹⁰ Ibid, p. 3

significance.¹¹¹ Cannon did attempt a ‘potted’ history¹¹² on her aunt, but it is very simple and concise (frustratingly, there is also a letter from a publisher that suggests that Normanton was considering writing an autobiography).¹¹³

Some gaps in the story have been filled from contemporary articles and newspaper reports. The publications of Normanton’s contemporaries, notably Elsie Lang,¹¹⁴ have also proved valuable where available. However, there is scant evidence of women at the Bar during Normanton’s lifetime (1882-1957) and she is alone among her immediate peers in having preserved and passed on a personal archive. Abel¹¹⁵ provides us with useful statistics, but actual material that fully fleshes out these women’s history and contribution (both personal and public) is missing. There are no autobiographies by or biographies of women at the Bar at this time.¹¹⁶ This makes information on women at the Bar difficult to ascertain.

Information on women in chambers was not listed until 1966 when the Law List (a directory of barristers) was first published. Each Inn’s admissions records give little information (for example it does not always give marital status or age) and discovering how many barristers were in actual practice is almost impossible because of lack of data. These women are

¹¹¹ Private source.

¹¹² WL: 7HLN/C/09

¹¹³ Letter from Jarrolds Publishers August 8 1957, in which they looked forward to receiving Normanton’s autobiography, WL: 7HLN/C/23

¹¹⁴ Lang, E. *British Women in the Twentieth Century* London: T. Werner Laurie 1929

¹¹⁵ Abel, R. L. *The Making of the English Legal Profession 1800-1988* Beard Books 1998

¹¹⁶ There are biographies of men, for example: Majoribanks, E. *Famous Trials of Marshall Hall* Penguin 1950; Montgomery, Hyde, H. *Judge Jeffreys* London Butterworths & Co, 1948; Montgomery Hyde, H. *Sir Patrick Hastings: His Life and Cases* London, Heinemann, 1960; Birkett, Lord, *Six Great Advocates* Hardmondsworth Penguin Books 1961; Bardens, D. *Lord Justice Birkett* London Robert Hale Ltd 1962; Bardens, D. *Famous Cases of Norman Birkett KC*, London Robert Hale Ltd 1963; Browne, D. *Sir Travers Humphreys* London Jordan & Sons 1960; Jackson, R. *The Chief: The Biography of Gordon Hewart* London George G Harrap 1959; and much later Lord Hailsham, *A Sparrows Flight* Harper Collins 1990.

either lost, forgotten or ignored; yet their histories are vital to those of us who wish to 'reframe institutional history from the perspective of women and the reform movements.'¹¹⁷

Arrangement of chapters

The approach of this thesis is to amalgamate the existing historiography with Normanton's archives, whilst situating her within the women's movement of that period. The thesis will follow Normanton's life and campaign in a chronological order and consider themes that affected her practice in the latter part of this thesis. We have seen that the lives or careers of early women barristers (or lawyers) have scarcely been examined, so this thesis will attempt to shed some light on Normanton's life and experiences. Chapter 1 will attempt to discover Normanton's early years and understand why she set out for a career at the Bar. Chapter 2 will situate Normanton's feminism and context. This will enable us to understand the difficulties that she faced in realising her ambition to practice at the Bar. It will also locate Normanton within the women's movement. In order to understand Normanton's role in women's formal entry to the Bar, Chapter 3 will focus on her high profile campaign to be admitted to an Inn of Court. This involves scrutiny of Middle Temple's refusal of her application. The period after her admittance to Middle Temple will be considered in Chapter 4: the exams, pupillage and her call to the Bar. Chapter 5 will explore Normanton's burgeoning legal practice from 1922-1924. Her lecture tour of America in December 1924 will be discussed in Chapter 6. Chapter 7 will analyse her post-American and inter-war years in practice and her struggle for substantive equality. Chapter 8 will report on her later legal work and reflect on her attitudes towards practice. Although the opening of the Bar to

¹¹⁷ Auchmuty, 2011, op cit p.201

women was Normanton's goal in life she did also participate in other campaigns. Chapter 9 will consider these other campaigns in order to have a better understanding of who Normanton was. Finally, Chapter 10 will record Normanton's death. It can be argued that women at the Bar today have still not achieved substantive equality, so measuring her success is artificial and to some extent unnecessary; however a conclusion is necessary in order to reflect on her role in opening the Bar to women. Her story provides us with valuable insight into women's position at the Bar today.

Overall this thesis presents for the first time a detailed study of Helena Normanton's entry to the Bar. It examines male misogyny, the idea that the legal profession was masculine and therefore women should not be admitted and when they eventually were, that women had to adapt and were expected to maintain a masculine approach in their conduct.¹¹⁸ It furthers our understanding of the women's movement during this period, the role of women in the opening of the Bar to women, the experiences of those early women barristers, their impact and the inter-war attitudes towards women and the feminist movement. '[W]e must bring women 'back' into history' and 'study the material forces that have shaped their lives and experiences'.¹¹⁹ That is the central aim of this thesis: to bring Normanton's life back into history. Feminist scholarship has led us to a different approach in biography,¹²⁰ and so, Normanton may not have the 'success' or 'celebrity' that other male barristers may have had at that time, but her life was important. She is a 'lost' woman, or at

¹¹⁸ Mulcahy, L & Wheeler, S *Feminist Perspectives on Contract Law* 2005 Routledge p. 146 and Corcos, C. 'Portia Goes to Parliament: Women and their admission to membership in the English legal profession' (1998) 75:2 *Denver University Review*

¹¹⁹ Purvis, J *Doing feminist women's history: researching the lives of women in the Suffragette Movement in Edwardian England* in Maynard, M and Purvis, J (eds) *Researching Women's Lives From a feminist perspective* London: Taylor & Francis, 1994 p167.

¹²⁰ Alpern, 1992, op cit, p. 3

the very least a neglected or dismissed woman. Feminist biography expands knowledge about women's lives and alters the framework within which we interpret historical experience.¹²¹ Her life needs to be 'illuminated'.¹²²

¹²¹ Ibid p. 13

¹²² Ibid

Chapter 1

Helena Normanton: Early Years

1882-1914

*'Indeed, I have a most vivid recollection of accompanying my own mother, at the ripe age of 12, to her solicitor and most eagerly drinking in all his remarks anent some mortgage house property. My mother evidently failed to understand their purport, and the kindly old man said, 'I am sure that your little girl understands what I have told you, from the look on her face'. And turning to me: 'Do you?' he asked. And he then and there made me repeat his observations. After I had shyly survived the ordeal, he then remarked, 'Quite the little lawyer!'... 'Well', I thought to myself, 'so I will be when I grow up'. I did not like to see my mother nonplussed in that way, and I still do not like to see women getting the worst end of any deal for lack of a little elementary legal knowledge which is the most common form amongst men.'*¹

Normanton held an ambition to become a barrister following that experience in a solicitor's office when she was twelve years old. That event at such an early age exposed her to the idea of gender inequality. Her mother was unable to understand the solicitor's advice because she lacked, as Normanton put it, elementary legal knowledge, which she felt, was common amongst men. For Normanton this was an example of sex discrimination, though, in reality,

¹ Normanton, Helena, *Everyday Law for Women*, 1st edition, Richard Clay & Sons 1932 p.6.

many men at this time would have lacked such education. This notion fired her with an ambition to enter the law in order to help other women and to prove that women could be as able as men. She wanted to ensure that women had access to legal knowledge that she assumed most men had. This provides us with an insight into why she wanted to become a barrister, though the legal profession was closed to her at that time. All women faced this discrimination.² The Bar was only open to men and was suffused with practices associated with men such as dining and going on circuit. There were no female role models for her to follow. Her initial desire was to help other women gain access to the law. The only way for her to achieve this was to become a lawyer.

How did Normanton come to sit in that solicitor's office formulating a near-impossible ambition? Answers are suggested by the details of her family and childhood. They also provide a clue as to why her practice was not as 'successful' as it could have been. The word 'successful' is used cautiously here, as, by practising law for much of her adult life and achieving Kings Counsel (KC) status, she was successful. However, she never became a judge, something she desired, and she failed to earn enough to live entirely on her earnings at the Bar. Her 'failures' were probably due to discrimination and also to some extent, to her personality. It is clear from the extract above³ that Normanton saw her future legal role as both opening up the Bar to women and as a way of helping women (and men), which is not the everyday

² See Chapter 2.

³ Normanton, 1932, op cit

ambition of a lawyer or an obvious route to conventional ‘success’ at the Bar.⁴ Conventionally, a barrister is expected to act like a ‘taxi-driver’, ‘picking’ up the next client in the queue, dealing with their case and then moving onto the next ‘fare’.⁵ It is not normally a job of social service (although it always has been for some)⁶. Although the extract from Normanton’s *Everyday Law for Women* explains the trigger for Normanton’s ambition it tells us nothing about her background. An analysis of her personal history is essential to produce a comprehensive account of her life and career. Who was Helena Normanton? What was her life like before she entered the Bar? This chapter will attempt to provide some insight into these questions, although the evidence is, at times, sketchy.

Who was Helena Normanton?

Normanton was born on the 14 December 1882⁷ to Jane Amelia (nee Marshall) and William Alexander Normanton,⁸ in West Ham, Essex (East London). Normanton’s obituary describes her as having been born in Kensington, but the official records show that this was a mistake (perhaps, at this time, this was where a barrister was expected to have been born?)⁹ Her father

⁴There was a strong philanthropic movement in the late nineteenth century that Normanton would have been aware of and may have attempted to join in order to further her mission to help other women, see Prochaska, F. K. *Women and Philanthropy in Nineteenth-Century England*. Oxford Clarendon Press, 1980.

⁵ Code of Conduct of the Bar of England and Wales and Guidance, General Council of the Bar of England and Wales, 2000.

⁶ For example Chrystal Macmillan, Sybil Oldfield, ‘Macmillan (Jessie) Chrystal (1872-1937)’, Oxford Dictionary of National Biography, Oxford University Press, 2004. Macmillan was a Scottish mathematician who qualified at the bar in 1924 and was a member of Middle Temple. She saw her role as one of promoting women’s rights and world peace. Her life and career have been researched by Rose Pipes, who informed me that the Bar was a means of philanthropy rather than a source of income for her.

⁷ England and Wales, Free BMD Index, Jan-Feb-March 1883, Vol 4a, Page 14

⁸ Spelling of his surname varies in different records.

⁹ Her birth certificate and the Census records for 1891 and 1901 state that her place of birth was West Ham, Essex.

was a Londoner and pianoforte maker.¹⁰ He was born in July 1854¹¹ to William & Harriet Matilda Norminton. William senior was also a pianoforte maker. By 1881, Normanton's father was a widower (following the death of his first wife Ellen Florence¹² Abbot, a jeweller's daughter, in 1879)¹³ and he had returned to his father's house in Kentish Town.¹⁴ Normanton's mother, Jane, was born 5 December 1850 in West Ham¹⁵ to Thomas and Harriet Marshall. Her father was a 'retired police pensioner'¹⁶ (also a 'retired butcher' and a 'cripple').¹⁷ There are no records of Harriet's occupation. Normanton's grandfather appears to have been one of the first policemen (the Metropolitan Police was formed in 1829 by Sir Robert Peel). This may also have given Normanton an interest in the law, although no evidence has been found to confirm this. Jane obviously had some education, as the 1861 census records her as a 10 year old 'scholar', which must mean that she went to school.¹⁸ Before her marriage in 1881, she was employed as a milliner.¹⁹ At some point after 1871 Jane's father died and she moved to Brighton with her

¹⁰ Although the inquest report into his death states his occupation as a pianoforte tuner. He was recorded as a piano maker in the 1881 Census (Class RG11; Piece 213, Folio 8, page 9), as was his father.

¹¹ His birth was registered in Marylebone, England and Wales, Free BMD Birth Index, 1837-1915, Vol 1a, page 326 and he was baptised on 16 July 1854 in St Ann's Blackfriars, London, England Birth & Baptisms, 1813-1906.

¹² It is possible that Normanton's middle name may have been in memory of her, as her father's first wife.

¹³ Free BMD, Oct-Nov-Dec 1879 Vol 1b Page 122; she was 21.

¹⁴ They were living together in Willes Road, Kentish Town, 1881 Census Piece 213, Folio 8, page 9. Normanton's grandmother is not recorded as living there; it is possible that they were separated or she was dead.

¹⁵ England and Wales Free BMD Birth Index, Jan-Feb-March 1851, West ham, Vol 12, page 338.

¹⁶ 1851 census Piece 1768, Folio 513, page 26 and the 1861 census Piece 295, Folio 143, page 9.

¹⁷ 1871 census Piece 483, Folio 85, page 59.

¹⁸ 1861 Census Piece 295, Folio 143, page 9.

¹⁹ 1871 Census Piece 483, Folio 85, Page 59.

mother.²⁰ From here she married William and returned to East London, as both Normanton's and Ethel's (her sister, born in 1884) births were recorded there.

When Normanton was four, her father died (1886);²¹ he was found, mysteriously, with a broken neck on the Metropolitan Railway, between the Praed Street junction and Bishop's Road, in West London. Evidence was heard at the Coroner's Court that the carriage door was open on arrival at Edgware Road and his bag was found untouched in the carriage.²² He was 34 years old. The Coroner's Court returned a verdict of Accidental Death. This verdict indicates that there were no suspicious circumstances and it is possible that he committed suicide. According to Normanton's niece, Elsie Cannon, Normanton's parents were separated at the time of his death, but were planning a fresh start together.²³ There is no evidence as to why her parents separated, but separation was a drastic step for any married woman to take at this time. There was great social stigma attached to separation,²⁴ and Jane's legal rights as a separated married woman and single mother were extremely limited (as we shall examine in chapter 2).²⁵ Cannon stated that, for a short time after her husband's death, Jane let rooms in Woolwich²⁶ to the

²⁰ The 1881 Census records Jane as living with her mother in 22 Clifton Hill, Brighton, with no occupation listed. She was married in Brighton as her marriage was recorded in the England and Wales Free BMD, Marriage Index, 1837-1915, Registration District Brighton, Volume 2b, page 376 (and page 576 for William Normanton).

²¹ Death Certificate dated 3rd July 1886.

²² Death Certificate dated 3rd July 1886. Notes on inquest from Lloyd's Weekly Newspaper, Issue 2276, Sunday 4 July 1886.

²³ See Elsie Cannon's notes Women's Library (hereafter WL) 7HLN/C/09.

²⁴ Thane, P. *Happy Families/ History and Family policy*, British Academy Policy Centre 2011 and Thane, P. And Evans, T. *Sinners? Scroungers? Saints?: Unmarried Motherhood in Twentieth Century England* Oxford: 2012.

²⁵ Shanley, M.L. 'One Must Ride Behind': Married Women's Rights and the Divorce Act 1857' *Victorian Studies*, 25, (1982).

²⁶ Willington Street.

wives of officers, and then returned to her pre-marriage home of Brighton where her sisters were living. This testimony is confusing, as the 1891 Census records that Jane and Normanton living in Ramsgate.²⁷ Jane is described as a 'retired publican' and Normanton as a scholar. They perhaps went to Ramsgate from Woolwich, then finally settled in Brighton²⁸ where Normanton attended school. This highlights the problems of the archives. The information from Cannon can not necessarily be relied on, although there is no suggestion that she intended to deceive; rather recollections cannot always be relied on.

Wherever they were living after William's death, Jane's economic position would not have been much improved from that of a separated woman, though as a widow she had more legal rights, including custody of her children²⁹. She was 36, and had two small daughters to care for and support.³⁰ Ethel was not listed in the 1891 census because she was at boarding school. Jane was well informed and clearly had high aspirations for her daughters. This is suggested by the fact that she found a boarding school for fatherless children in Wanstead, for which she had to pay no fees.³¹ Initially she intended to send Normanton there.³² However, as Elsie Cannon

²⁷ 1891 Census Piece 733, Folio 92, page 38.

²⁸ This would have been between 1891 and Normanton's entry to Vardean in 1895.

²⁹ Masson, J, Bailey-Harris, R. And Probert, R. *Cretney Principles of Family Law* 8th Edition, Thomson Sweet and Maxwell 2008 at 3-002 and 3-006. This is dealt with in detail in chapter 2.

³⁰ Earning a living as a single mother was difficult: Hudson, P. and Lee, W. R. *Women's Work and the Family Economy in Historical Perspective* Manchester: Manchester University Press 1990; and Thane, P. 'Women and the Poor Law in Victorian and Edwardian England' *History Workshop Journal*, 6 (1): 29-51 (1978).

³¹ Royal Infant/Orphan Asylum, Wanstead. Information supplied by Elsie Cannon, WL: 7HLN/C/09.

³² Ibid

explained,³³ the length of time it took to secure references and votes of confidence from trustees in order to gain a place meant that Normanton passed the age of admission before this formality was complete. Ethel took the place instead and Normanton and Ethel spent a great deal of their childhood apart, because the boarding school had few and short holidays.³⁴ We can only speculate as to her mother's ambition for her daughters. Her main motivation may have been their financial insecurity. She perhaps wanted to educate her daughters to be independent in view of her own experience. Schools at this time sometimes failed to train women to earn a living and she would have had to choose carefully for her daughters.³⁵

According to Cannon, on Jane's return to Brighton she ran a grocery store and later a boarding house.³⁶ We can see that Normanton's early life was full of change and upheaval, due not only to the separation of her parents and subsequent death of her father but to the change of locations. Normanton had a taste of female independence at a very young age. The 2-parent nuclear family was regarded as the norm at the time, though a high proportion of marriages were broken by death. Her mother's situation would have given Normanton a different experience of family life.³⁷ Her female only family life may have influenced many of her views. Normanton's feminism, and indeed life, involved a rejection of the idea of a benevolent male as

³³ *ibid*

³⁴ *Ibid.*

³⁵ Gleadle, K. *British Women in the 19th Century*, Palgrave Macmillan 2001; and Purvis, J. *Hard Lessons: The Lives and Education of Working Women in Nineteenth Century England* Cambridge: Polity Press 1989.

³⁶ Cannon, undated.

³⁷ This was true for many families, see Thane, 2011, *op cit*; Davidoff, L. '“Mastered for Life”: Servants and Wives in Victorian and Edwardian England' in Davidoff, L. *Worlds Between: Historical Perspectives on Gender and Class* Cambridge: Polity Press, 1995 and Gillis, J. R. *For Better, For Worse: British marriages, 1600 to the Present* Oxford: Oxford University Press 1985.

‘protector’³⁸ of women and children. She knew too well that many women and children lived in circumstances outside the ideal of the patriarchal family: in families not headed by a morally responsible male capable of providing financial security for the family.³⁹ The popular myth of male protectiveness can be seen in many legal judgments at this time.⁴⁰ This protection was seen as one of the ‘glories of our civilisation...’ and such protection as a ‘privilege’ of the female sex.⁴¹ Until the First World⁴², and long after, many women’s experiences were strongly determined by marriage and child-birth.⁴³ Marriage gave women social status and, in some cases, financial security. Unmarried women were often considered not to have succeeded in life.⁴⁴ Most women married, but a certain number did not due to the unbalanced sex ratio. In the late nineteenth century 88% of women who had reached age 40 had married and this figure remained above 80% through to 1921.⁴⁵ Until 1839 Child Custody Act women were denied

³⁸ Sachs, A. And Wilson, J. H. *Sexism and the Law: A Study of Male Beliefs and Legal Bias in Britain and the United States* Oxford: Martin Robertson, 1978.

³⁹ Thompson, F. M. L. *The Rise of Respectable Society: A Social History of Victorian Britain, 1830-1900* London: Fontana Press, 1988.

⁴⁰ For example: *Chorlton v Lings* (1868) L. R. 4 C. P. 374 at 388, and *Jex-Blake v Senatus of Edinburgh University* (1873) 11 M. 784 at 790-795.

⁴¹ *Chorlton v Lings* (1868) L. R. 4 C. P. 374 at 388. In this case Mary Abbott challenged the fact that she was not on the electoral register. It was held that the word ‘man’ had been used deliberately in the 1867 Representation of the People Act to exclude all except men. This was supposedly because it was a privilege of the female sex not to vote.

⁴² Thane, 2011, op cit.

⁴³ Thane, P. ‘Women and the Poor Law in Victorian and Edwardian England’ *History Workshop Journal* 6 (1978); Dyhouse, C. *Feminism and the Family in England 1880-1939* New: York Basil Blackwell 1989 and Perkin, J. *Women and Marriage in Nineteenth Century England* Chicago: Lyceum 1989.

⁴⁴ Jeffreys, S. *The Spinster and Her Enemies: Feminism and Sexuality 1880-1930* Spinifex 1995; Israel, B. *Bachelor Girl: 100 Years of Breaking the Rules- A Social History of Living Single* New York: HarperCollins 2003; Vicinus, M. *Independent Women: Work and Community for Single Women, 1850-1920* London: Virago Press 1985.

⁴⁵ See Anderson, M ‘*The Social Implications of Demographic Change*’ in Chapter 1 Thompson F.M.L. (ed) *The Cambridge Social History of Britain 1750-1950* Vol 2, Cambridge: Cambridge University Press 2008.

custody of their children on separation⁴⁶ and until 1882 they were denied control of their own property and money even whilst married.⁴⁷ But custody of children Normanton's mother strove to give both her daughters an education that would ensure that they would always be financially independent.

Before Normanton's birth in 1882, married women were considered as 'femes covert' – literally 'covered women' i.e., a married woman's legal existence was covered by that of her husband as soon as she married. This doctrine was enshrined in law by Blackstone⁴⁸ in his *Commentaries on the Law of England*,⁴⁹ a treatise on the common law that explained the development of English law. The doctrine of coverture is contained in the volume entitled 'The Rights of Persons':⁵⁰ 'the very being or legal existence of the wife is suspended during the marriage or at least incorporated or consolidated into that of the husband under whose wing, protection and cover she performs everything'. Blackstone claimed that this doctrine was a valuable way of protecting women, thereby improving their position - 'Even the disabilities which the wife lies under, are for the most part intended for her protection and benefit. So great a favourite is the

⁴⁶ This Act allowed women to petition for custody of children up to the age of 7 and petition for access to children over 7. The age was increased to 16 with the Custody of Infants Act 1873.

⁴⁷ Married Women's Property Acts 1870 and 1882.

⁴⁸ Legal writer and judge, Wilfred Prest, 'Blackstone, Sir William (1723-1780)', Oxford Dictionary of national Biography, Oxford University Press, 2004.

⁴⁹ Blackstone, W. *Commentaries on the Laws of England* (1765).

⁵⁰ Ibid Vol.1. Page 430

female sex of the laws.’ In essence the law on coverture⁵¹ meant that on marriage a woman’s property became her husband’s except where she owned property under a trust.⁵² The married couple were united as one person in law and that person was the husband.⁵³

Campaigns by women⁵⁴ led to the Married Women’s Property Act 1870.⁵⁵ This treated a married woman’s earned income as separate property for her own use only.⁵⁶ The legal position changed in the year of Normanton’s birth, with the Married Women’s Property Act 1882. This Act introduced a statutory trust and will be discussed in detail in chapter 2. This was a step towards formal legal equality for women although the principle of coverture remained.⁵⁷

⁵¹ For more detail see on coverture and property see Holcombe, L. *Wives and Property: reform of the Married Women’s Property Law in Nineteenth Century England* Toronto and London: University of Toronto Press, 1983.

⁵² This was often a strong theme and illustrated in Victorian novels see Wynne, D. *Women and Personal Property in the Victorian Novel* Ashgate 2010.

⁵³ As per Lord Denning *Williams and Glyn’s Bank v Boland* [1979] Ch 312 at 432.

⁵⁴ Notably Barbara Bodichon.

⁵⁵ This did not confer full property rights on married women.

⁵⁶ Fredman, S. *Women and the Law* 1997 Oxford: Oxford University Press, page 45. Section 1 Married Women’s Property Act 1870. This was not a plan by Parliament’s to empower women, but rather a way of relieving the burden on the state (Poor Law) by protecting employed working class women from having their earnings squandered by rogue husbands. On the Poor law see: Thane, 1978).

⁵⁷ Marital rape was not illegal until 1991, the husband’s liability for his wife’s torts remained until 1935 and women were unable to sue their husband’s for any tortious wrong committed against her.

Education

In about 1894 Normanton made her visit to the solicitor's office with her mother and decided to become a lawyer. Jane's aspirations for her daughters were not uncommon;⁵⁸ many middle class parents educated their daughters because they knew they might not marry because of the female surplus in the population.⁵⁹ Jane might have been aware of this, conscious of her own failed marriage and financial situation, and determined to avoid this for her daughters. This may have influenced Normanton's decision as a child to become a lawyer and maybe also her later behaviour.⁶⁰ She was prepared to be autonomous and self-supporting, not supported by a man. Her decision also demonstrates a strong sense of justice: she believed that men had access to basic legal education and she did not like to see her mother (and therefore other women) so disadvantaged.

A year after the incident in the solicitors' office (in 1895), Normanton joined York Place School (now Varndean) in Brighton having won a scholarship.⁶¹ There is no evidence where she was educated before this date, except that she was at school somewhere in Ramsgate.⁶² She was

⁵⁸ Gleadle, 2001, p.82, op cit.

⁵⁹ Lewis, J. *Women in England 1870-1950: Sexual Divisions and Social Change* Wheatsheaf, 1984; Rose, S. O. *Limited Livelihoods: Gender and Class in Nineteenth Century England* London: Routledge 1992; John, A. V. (ed) *Unequal Opportunities: Women's Employment in England and Wales 1850-1918* Oxford: Basil Blackwell 1986.

⁶⁰ These ideas were radical for the time, Rendall, J *John Stuart Mill, Liberal Political, and the Movement for Women's Suffrage, 1865-1873* in Vickery, A (ed) *Women, Privilege and Power. British Politics, 1750 to the present*, Stanford University Press, Stanford, California, 2001, page 190

⁶¹ Information supplied by Judith Hodson, Work Experience Administrative Assistant & School Archivist Varndean School.

⁶² 1861 Census

thirteen years old. York Place was a state school which had opened in 1884,⁶³ built originally as a Board school.⁶⁴ It was subsequently chosen to become a Higher Grade School,⁶⁵ still under the control of the Brighton School Board. Higher Grade School status meant that the school could offer education beyond the elementary stage, sometimes including science classes.⁶⁶ In 1895 Varndean added a Science Department. The Upper School, at that time, followed a four year course laid down by the Board of Education in preparation for the Cambridge Local Junior and Senior Certificates, which was the best route to the London Matriculation Certificate. The school seems to have had a link with the South Kensington Institute, which became Imperial College. When Normanton joined, the Science Department, overseen by the new headmistress, Miss North, included 54 girls rising to 100 by 1898.⁶⁷ Students were expected to study science for at least six hours per week. This course of study allowed women from the lower middle-classes (such as Normanton) to seek training for paid work. The rationale behind this expansion of the curriculum was twofold: to enable women to become better wives and mothers because they were educated and also to enable unmarried women to work and support themselves and other family members if necessary. It enabled qualified women to seek positions as teachers in these expanding schools while also encouraging them to think beyond teaching. For those who were fortunate enough not to need to work it provided an opportunity to engage in the public

⁶³ Judith Hodson, Varndean archivist.

⁶⁴ This was a time of great educational reform as reported by Delamont, S. 'The Contradictions in Ladies' Education' in Delamont, S. And Duffin, L. (eds) *Nineteenth Century Woman: Her Cultural and Physical World* London: Croom Helm, 1978.

⁶⁵ Dyhouse, C. *Girls Growing Up in Late Victorian and Edwardian England* London: Routledge and Kegan Paul 1981, chapter 2.

⁶⁶ Vlaeminke, M. *The English Higher Grade School, A Lost Opportunity* Routledge London 2000

⁶⁷ Judith Hodson, Varndean Archivist.

sphere, for example as a teacher.⁶⁸ It would have been clear to Normanton's mother that her daughters needed both an education and, potentially, a career. Somewhat better educational and career opportunities were opening up for girls at this time, including for working class girls following the 1870 and 1880 Education Acts.⁶⁹

Pupil Teacher

In July 1900 Normanton officially left the school, then returned in the autumn to become a pupil teacher⁷⁰ at its secondary school.⁷¹ She was seventeen years old. She remained in this position until 1903.⁷² This was effectively an apprenticeship. Her CV records that she held 3 scholarships during this period.⁷³ The system of pupil teachers, in which Normanton was

⁶⁸ See Holcombe, L. *Victorian Ladies at Work: middle-class working women in England and Wales 1850-1914* Hamden, CT, 1973.

⁶⁹ See Cannadine, D. Keating, J. Op cit, p. 42 and also pp18 and 64; and Sheldon, N. *The Right Kind of History: Teaching the Past in Twentieth-Century England* London: Palgrave Macmillan 2011; and, Sutherland, G. *Education* in Thompson, F.M.L. (eds) *The Cambridge Social History of Britain 1750-1950*. CUP, 1990, p. 119. The 1880 Act was called the Elementary Education Act.

⁷⁰ Pupil teachers are discussed in Berry, M. *Teacher Training Institutions in England and Wales: A Bibliographical Guide to their History*. London: Society for Research into Higher Education 1973; Dent, H C. *The Training of Teachers in England and Wales, 1800-1975*. London: Hodder and Stoughton 1977; Widowson, F, 'Educating Teacher': Women and Elementary Teaching in London, 1900-1914', in Leonore Davidoff & Belinda Westover, *Our Work, Our Lives, Our Words: Women's History and Women's Work*, Macmillan Education, Basingstoke, 1986.

⁷¹ Normanton's CV: WL: 7HLN/A/01

⁷² There is some discrepancy in her dates at Brighton and Liverpool on her CV in 7HLN/A/01. On careful examination it would appear that she was a student at Edge Hill in 1903 and left there in 1905 (as confirmed in Montgomery, F and Flinn, M. *A Vision of Learning: Edge Hill University 1885-2010* Third Millennium Publishing Limited 2010) and her letters of recommendation from Sarah Hale (Principal of Edge Hill). This is contrary to the information on Normanton's CV's. This appears to be an innocent error, although surprising given Normanton's attention to detail.

⁷³ 1900-1905 she held the Soames Educational Trust Scholarship (one granted annually), the Hack Scholarship (because first on list of students) and a Science and Art Scholarship (again first on the list of students) according to her archive. See WL :7HLN/A/01. Again there is no corroborative evidence of this.

employed, sustained poorer pupils in secondary school and put them on the career path to teaching.⁷⁴ Introduced in schools (in 1846) by Her Majesty's Inspectorate (HMI), children over thirteen could be apprenticed to a teacher for five years, enabling them both to study and earn. They could later take national examinations to enter normal schools or training colleges to gain teaching qualifications. The schools employing them benefited from an extra grant. The HMI inspected the pupil teachers each year. Students could compete for a Queen's Scholarship which would enable them to attend training college. By 1859 there were 15, 224 pupil teachers, mostly female. By 1899, two years before Normanton qualified, there were 62, 085 certified teachers and 30, 783 uncertified teachers in England and Wales (pupil teachers who did not complete their apprenticeships).⁷⁵

Normanton probably followed this route. Surviving records do not provide a clear indication of the detail. If so, this offered Normanton a limited career ladder, which many young women at this time were climbing.⁷⁶ By the time she became a student teacher, Sir Robert Morant,⁷⁷ a Government education reformer and civil servant at the Board of Education,⁷⁸ had begun to reform the pupil teacher scheme. By 1900, to take part in the scheme, students had to be aged 15, approved by an HMI, passed as fit by a medical officer and pass a Board of Education exam in reading and recitation, English, history, geography, arithmetic, algebra, Euclid (boys) or

⁷⁴ Sutherland, 1990, op cit, p. 119

⁷⁵ Ibid, p. 119.

⁷⁶ Widdowson, 1986, op cit, pp111-112.

⁷⁷ Fry, G. K. 'Sir Robert Laurie Morant (1863-1920)', *Oxford Dictionary of National Biography* 2004.

⁷⁸ Morant became Permanent Secretary in 1903 and was recognised as being responsible for the Education Act 1902.

Needlework (girls), and teaching.⁷⁹ As a pupil teacher Normanton was only allowed to teach for a maximum of five hours a day or 20 per week. She would have been examined each year by HMI. According to her CV,⁸⁰ Normanton matriculated with a first class grading and was the 'twentieth Kings scholar'⁸¹ of 12,000 in the country (the first nineteen were bracketed equal)⁸² No corroborative evidence of this achievement can be found.⁸³ When a pupil-teacher's term of service was completed they could sit the 'Queen's' (until 1901, 'King's' thereafter) Scholarship exam.⁸⁴ A first or second class pass in this exam qualified the pupil-teacher to enter training college, though it did not guarantee entry as there were too many students for each teacher-training place, in 1900 barely 44.5% of eligible pupil-teachers gained a college place. A reference from the former Headmistress of York Place, Miss A. M. Syson,⁸⁵ notes that Normanton had 'exceptional ability', and was a kind teacher with an excellent character.⁸⁶ The Principal of the Education Committee for the County Borough of Brighton commented in

⁷⁹ Code of Regulations for Public Elementary Schools In Great Britain, HM Stationary Office, 1900, pp. 4, 54 and 60; Edwards, E. *Women in Teacher Training Colleges 1900-1960* Routledge, 2004, p. 9; and Cannadine, 2011, op cit pp. 42-43, 63

⁸⁰ WL: 7HLN/A/01

⁸¹ This would appear to be a scholarship programme see Cannadine, 2011, op cit p. 22. It was abolished in 1907, Wardle, D. *English Popular Education 1780-1975* Cambridge University Press, 1975, p. 74.

⁸² WL: 7HLN/A/01

⁸³ 'The York Place Varndean Story' by Joan Miller, published privately in 1988 to celebrate the Centenary of the school, refers to the King's Prize in 1902: 'In the Advanced Physiology examination the fifteen girls entered gained the outstanding result of seven first-class and eight second-class passes; Elsa Kirby, who obtained the highest marks in the country was awarded the coveted King's Prize'. Judith Hodson, archivist at Varndean School could provide records of school awards from 1911 onwards only. There is no mention of a King's Scholarship or prize. The reference to it comes from Normanton's CV.

⁸⁴ Such a scholarship would entitle them to a scholarship for further teacher training, Cannadine, 2011, op cit and Wardle, 1975, op cit..

⁸⁵ Later Mrs North.

⁸⁶ General reference dated February 1905 Letter from Miss Syson, WL: 7HLN/A/01

another reference for Normanton that she was top of her very large class and she had 'read much more than girls ordinarily do...'⁸⁷

Also in 1900, Normanton's sister Ethel returned home from boarding school.⁸⁸ It is unclear why she returned at this date. She would have been about 16 and it is possible that she had completed her studies in Wanstead. She may also have returned because of their mother's poor health: she died that year and their 'Aunt Lizzie' moved to Brighton from Liverpool to run the boarding house and look after her nieces.⁸⁹ Normanton and her sister were recorded in the 1901 census as living with their maternal aunt, Eliza Whitehead (a widow), in Brighton.⁹⁰ Aunt Eliza was classed as a 'Lodging House Keeper' which might confirm that Jane ran a Boarding House whilst in Brighton. Despite being in mourning for her mother and having partial responsibility for her sister, Normanton was clearly very happy at York Place. In July 1947 she gave a talk at the Special Reunion to celebrate the school's twenty-first birthday.⁹¹ She stated that 'a school is not a building, a place or a staff, but the whole living, breathing texture that moves on through generations'. She urged that enterprise should be encouraged, begging all old girls with influence over the careers of the young, not to stand in their light, but prepare them to take what life offered and to follow their chosen path with tenacity.⁹² In 1951

⁸⁷ General reference Mr. W. Done B. A. Principal of the Education Committee for the County Borough of Brighton, Pupil Teacher Centre, Pelham Street, Brighton 13 February 1905 WL:7HLN/A/01

⁸⁸ Cannon, undated, op cit.

⁸⁹ England and Wales Free BMD Index, 1837-1915, London, Vol 1a, p. 250.

⁹⁰ 1901 Census Piece 932, Folio 144, page 16.

⁹¹ *Vardean Chronicle* Special Edition July 1947. WL: 7HLN/A/29, the school became 'Vardean' in 1932.

⁹² *ibid*

she donated a copy of the complete works of Shakespeare to Varndean as a prize. In her will she left a substantial donation for the establishment of Sussex University

Teacher Training

In 1903 Normanton entered Edge Hill College, Liverpool, for further teacher training. Although there is no evidence, except her CV reference,⁹³ to being a 'Kings Scholar', it is likely that she secured a scholarship after her period as a pupil teacher. She presumably wished to gain the maximum qualifications available to her to enhance her career opportunities. Edge Hill was an all-female college where she was in residence until 1905.⁹⁴ It was the first non-denominational college in England and Wales, established due to a concern that there were no non-denominational teacher training colleges in England and Wales.⁹⁵ The idea for the college was formed in 1882 and it formally opened in 1885,⁹⁶ taking one hundred and sixty students a year.⁹⁷ Normanton's archives contain no evidence of her holding a religious faith, which may explain her attending a non-denominational college so far from Brighton.⁹⁸ Edge Hill College also had a strong suffragette movement.⁹⁹ Given that the college recruited mainly from North

⁹³ WL: 7HLN/A/01. Her CV was presumably for employment but it is difficult to know exactly for which job applications.

⁹⁴ Montgomery, 2010, op cit, p. 1.

⁹⁵ *ibid*

⁹⁶ *Ibid*, p. 12.

⁹⁷ *ibid*, p. 18

⁹⁸ It is possible that there was a family connection with Liverpool, as her Aunt Eliza died there in 1906 according to the England and Wales National Probate Calendar 1858-1966.

⁹⁹ Montgomery, 2010, op cit, p. 19

West,¹⁰⁰ its non-denominational status and suffragette link could be the most likely reasons why she studied there.

Students were required to sit an entrance exam in order to attend Edge Hill. Also, good health was regarded as a paramount qualification for teaching, since it was seen as extremely onerous.¹⁰¹ Students had to provide character testimonials and demonstrate both ability to draw and a knowledge of science. It was desirable for a student to speak French, German and have a knowledge of Latin¹⁰² and to be good at needlework, music and domestic economy.¹⁰³ Normanton would have had no problem in meeting these criteria. However the uniform would have caused considerable expense, consisting of a waterproof cloak, two pairs of stout walking boots, galoshes or rubbers, two pairs of shoes, a dressing gown, flannel underwear, a white or cream dress, navy blue serge dress for school or classroom, aprons. Also two toilet covers and two bags for linen were required. Normanton also needed a PE kit: one cream and one crimson shirt blouse in 'Delaine' fabric, made with yoke, turn down collar and full sleeves with loosely fitting cuffs.¹⁰⁴ A sailor hat with College band and badge was compulsory for weekday wear.¹⁰⁵ Students were expected to be neat and properly attired at all times and their teeth had to be in

¹⁰⁰ Ibid, 80% of students studying at Edge Hill came from the counties of Lancashire, Yorkshire, Cheshire and Cumberland.

¹⁰¹ Montgomery, 2010, op cit, p.12

¹⁰² Ibid

¹⁰³ Ibid

¹⁰⁴ Ibid, p.13.

¹⁰⁵ Ibid

good order.¹⁰⁶ Fees were £10 for former pupil teachers who had passed the entrance exam with a first class, as Normanton is likely to have done.

Study at Edge Hill was intense. The college day began at 6:15am and ended at 10pm with lights out.¹⁰⁷ Class work began before breakfast and every hour of the day was accounted for, with each meal lasting about half an hour.¹⁰⁸ The syllabus included practical teaching, reading and recitation, arithmetic, music, grammar, literature, geography, history, maths for teaching boys only (which may have made Normanton angry), needlework for girls,¹⁰⁹ school management,¹¹⁰ science or a language, hygiene, singing, theory of music, physical training and domestic economy.¹¹¹ Following the establishment of Day Training Colleges by the Government, Edge Hill developed its syllabus further from 1890 – 1906.¹¹² The college could now offer university level study provided by Manchester University, allowing students a third year of study. Later the degree would be offered by Liverpool University but taught by Edge Hill lecturers.¹¹³ Normanton did not take up this opportunity perhaps for financial reasons.

¹⁰⁶ Ibid

¹⁰⁷ Ibid, p.34

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ Ibid, p. 13.

¹¹¹ Ibid, p.17

¹¹² Ibid

¹¹³ Ibid

The ethos of Edge Hill was one of 'order and control'¹¹⁴ Normanton would not have been allowed out after 5pm on a weekday. She was allowed to leave the premises on a Saturday afternoon, with permission, but had to return by 7pm.¹¹⁵ Sundays were free. It appears they could go anywhere throughout the day. She slept in a cubicle within a dormitory,¹¹⁶ consisting of a wooden panelled partition, about four to five feet from the ceiling, with a small chest of drawers, wash stand, single bed, desk and one or two bookshelves.¹¹⁷ For an avid reader like Normanton, the fact that the only light allowed was from the corridor must have been painful. There was no hot running water, only a jug of water carried down the corridor.¹¹⁸ She was forbidden to wash in her cubicle between 9am and 9pm and baths were taken according to a timetable, for a maximum of fifteen minutes.¹¹⁹

Normanton's advocacy skills were practised at Edge Hill. The food, according to Mary Sheppard, a fellow student, was 'shocking'.¹²⁰ Wednesdays and Fridays were known as 'Psalm, Fish and Mystery' because they sang psalms instead of hymns at morning prayer and at dinner had a 'Mersey Whale' (a whole fish swimming in a sea of greasy water) and 'mystery', a sloppy mixture of flour, bread crumbs, dried fruit and huge lumps of suet. On Wednesdays, one girl on a table of eleven was allowed to buy cake for tea. However Normanton, as Head Girl, was

¹¹⁴ *ibid*

¹¹⁵ *ibid*, p.34.

¹¹⁶ *ibid*, p.35

¹¹⁷ *Ibid*

¹¹⁸ *Ibid*

¹¹⁹ *Ibid*

¹²⁰ *ibid*, p.36

instructed by the Principal, Sarah Hale, on one occasion to ask students to forego their cake and donate it to the benevolent fund. The girls asked Normanton to tell Miss Hale that they would rather give up their dinner and give the cost of that to the fund. Normanton did so and an annoyed Miss Hale replied that she did not understand why no one had complained before! The food improved.¹²¹

A reference from Edge Hill by Sarah Hale¹²² described Helena Normanton as ‘possessed of ability much above average’ and ‘...she is a fearless but temperate critic, and brings to bear on any question under discussion a lucidity and a sanity of judgment too infrequently found in those of her sex’. Miss Hale disapproved of feminism but recognised that Edge Hill students demonstrated ‘a healthy interest in feminism’.¹²³ They held frequent debates and, as early as 1894, the college debating society decided by 64 votes to 15 that the suffrage should be extended to women.¹²⁴ As stated before, this feminism may have been a reason for Normanton’s choice of Edge Hill. It may have increased her commitment to gender equality. Even after she left Normanton encouraged the students in militancy. In 1908 she wrote in the Edge Hill Magazine: ‘To all Edge Hill suffragists I give this advice – it takes no moral courage whatever to walk in procession!’¹²⁵

¹²¹ *ibid*, p.37.

¹²² February 1918. WL: 7HLN/A/01

¹²³ Montgomery, 2010, *op cit*, p.38

¹²⁴ *Ibid*

¹²⁵ *Edge Hill Magazine* 1908, Montgomery, 2010, *op cit*, p.38.

Teaching Career and further education

From 1905 – 1907 Normanton held a teaching position as an Assistant Mistress at Anfield Road Higher Grade School, Liverpool, where she taught a special class for Oxford Preliminary and Junior Examinations.¹²⁶ She rented a small house that she shared with Lilian Fuller¹²⁷ another former student from Edge Hill, a lifelong friend who nursed Normanton until she entered the nursing home in which she died.¹²⁸ The Headmistress described Normanton as a ‘good organiser’ who had an ‘excellent’ influence on the younger teachers.¹²⁹ Ethel moved from Brighton to live with her sister. She kept house and began training as a nurse.¹³⁰ On 14 February 1907, Normanton received her Board of Education Teacher’s Certificate¹³¹ and in August of the same year also received a Diplome Francais from the University of Dijon.¹³² She spent a few months at Dijon University in 1907.¹³³

From 1907-1913 she worked as an Assistant Mistress in Central Schools, Acton, London. The principal of this school, Ernest Rayns, commented that ‘I feel that the high intellectual standard, the wide outlook and the great ability of Miss Normanton, make her eminently fitted for a much higher educational post than she now holds.’ On 18 December 1912 she graduated from

¹²⁶ W: 7HLN/A/01. She notes on her CV that every pupil passed successfully.

¹²⁷ Cannon, undated, op cit.

¹²⁸ Ibid

¹²⁹ WL: 7HLN/A/01

¹³⁰ Cannon, undated, op cit

¹³¹ WL: 7HLN/A/02

¹³² Ibid

¹³³ WL: 7HLN/A/01

the University of London with an external B.A. Hons in History, first class.¹³⁴ Her degree was a considerable achievement since she was working full time and studying in her spare time. Ernest Rayns, noted that ‘... the more advanced the work, the more enthusiastically she throws herself into it...’¹³⁵ Also in 1912 Normanton sat for the London external LL.B Examination at Honours (Intermediate) level which she uncharacteristically failed. She gave the reason for her failure in her CV:¹³⁶ ‘Had to leave examination room at final LL.B. because of violent coughing paroxysm and so failed that paper. Had no time to sit for the final LL.B subsequently, but had covered all the ground for Final’.¹³⁷ Maybe she was taking on too much.

Her CV records further considerable academic successes which are undated¹³⁸: Board of Education Diploma, Double first class, Associateship of College of Preceptors, First Class Advance Certificates (South Kensington) in Hygiene, Physiology and Freehand Drawing, Ling Physical Training Diploma, and Diploma for Secondary teaching (Scotch Board of Education).¹³⁹ She clearly had exceptional academic skills and capacity for hard work. We will consider briefly in chapter 2 whether this collecting of qualification was a sign of insecurity or of a need to be accepted.

¹³⁴ Ibid

¹³⁵ WL: HLN/A/01.

¹³⁶ WL: HLN/A/01

¹³⁷ She would retake (and pass) this exam in 1930 as an external student WL :7HLN/A/37

¹³⁸ WL: 7HLN/A/01

¹³⁹ WL: 7HLN/A/01.

Normanton took her next post at Glasgow High School for Girls in 1913, where she stayed until 1915, as Senior Mistress for History. This promotion was probably the reason for her leaving Acton. The Glasgow school had almost 1000 pupils and her position involved preparing students for their Lower and Higher Leaving Certificate examinations. In April 1914 the Glasgow Provincial Committee for the Training of Teachers¹⁴⁰ recognised her as a Specially Qualified Teacher of History.¹⁴¹ This enabled her to teach post-graduate teachers.

At some point in or about 1915 Normanton became tutor¹⁴² to the sons of Baron de Forest, a Liberal M.P who was also one of her referees.¹⁴³ It is unknown for how long she did this. This was a controversial and bold choice of employment. De Forest was a twice married man of Austrian origins. The sons to whom Normanton was tutor were from his failed second marriage (1904-1910) to the Hon. Ethel Gerard. His first attempt to become an MP ended in failure because of a vitriolic Conservative campaign against him which concentrated on his Austrian background.¹⁴⁴ He was MP for West Ham North, 1911 - 1918. *The Times* reported that his election address included his commitment to many controversial policies including Home Rule for Ireland, equality of religion (he was a convert from Judaism to Catholicism and believed in

¹⁴⁰ This developed from the David Stow's Glasgow Normal Seminary, the first institution in Britain established specifically for the training of teachers. It received a government grant to take over all other teacher training colleges in Scotland. Harrison, M. M. And Marker, W. B (eds) *Teaching the teacher-The history of Jordanhill College of education 1823- 1993*, John Donald, 1996.

¹⁴¹ Letter from the Director of Studies to Helena Normanton 8 April 1914. WL: 7HLN/A/01

¹⁴² She uses the word 'tutor' on her CV rather than governess. Governess had a possibly demeaning and negative connotation, see Hughes, K. *Victorian Governess* London: Hambledon Press 1993 and Hollis, P. (ed) *Women in Public 1850-1900: Documents of the Victorian Women's Movement* London: George Allen and Unwin, 1979.

¹⁴³ WL: 7HLN/A/01

¹⁴⁴ Southport in 1910. *The Times* obituary 8 October 1968.

the disestablishment of the Church of England) and female suffrage.¹⁴⁵ He was rich, influential, a good friend of Churchill, and committed to equality. His life was similar to Normanton's in that he was an upright member of society but not quite accepted, as a divorced Austrian Jew/Catholic, just as her gender excluded her from full acceptance at the bar. We can only assume that she met him through the suffrage movement.

By 1914 Normanton was a member of the Women's Freedom league. The women's Freedom league was formed in 1907 by Teresa Billington-Greig and Charlotte Despard in a break from WSPU.¹⁴⁶ The WFL was a democratic, militant organisation, calling for suffrage. Its methods included direct action such as passive resistance to taxation and non-cooperation with the census, rather than attacks on people and property. The WFL was responsible for the 'grille incident' in the Ladies Gallery in the House of Commons in 1908.¹⁴⁷ In June 1915 after thirteen months preparation, the WFL celebrated the 700th anniversary of the Magna Carta.¹⁴⁸ A pageant, procession and pilgrimage to Runnymede had been planned but then cancelled because of the outbreak of the War. Celebrations instead took place in Caxton Hall with Normanton as the guest speaker.¹⁴⁹ This would suggest that she was extremely influential within the movement. She had previously published an essay 'Magna Carta and Women'¹⁵⁰ and

¹⁴⁵ *The Times*, 27 June 1911 'North West Ham'.

¹⁴⁶ Maroula, J & Purvis, J. *The Women's Suffrage Movement, New Feminist Perspectives* 1998 Manchester University Press, page 52

¹⁴⁷ *Ibid* p.54

¹⁴⁸ Burton, A. *Burdens of History: British Feminists, Indian Women and Imperial Culture 1865-1915* 1994 University of North Carolina Press, p.53.

¹⁴⁹ WL: 7HLN/D/07. This file demonstrates Normanton's membership of this group until 1954.

¹⁵⁰ May 1915 'The English Woman'.

her talk followed this. She argued that the Magna Carta was the source and legal basis of the English woman's national rights. Burton argues that this was 'shrewd' advocacy,¹⁵¹ because Normanton successfully linked female emancipation with the emblem of British nationalism at a time of war time crisis. Normanton drew out that equality was historically and culturally British and that the country had a commitment to political equality. We can see from this that Normanton was very involved in the call for the vote and was part of a network of women, maximizing their social influence and developing a sense of community.

Also in 1915 she produced a pamphlet, *Sex differentiation in Salary* for the National Federation of Women Teachers, in which she espoused equal pay for work of equal worth.¹⁵² By 1916 she was definitely living in London.¹⁵³ On 24 February 1916 she became a University Extension Lecturer¹⁵⁴ of the University of London,¹⁵⁵ lecturing on: Modern Methods of Teaching History, The History of Europe 1814-1914; The History of France-Tenth Century to the Present Day; Modern Reformers and the Reforms Associated with them; Western European Womanhood in Literature; and History, Economics and Politics, with special reference to the British Isles. Her

¹⁵¹ Ibid p. 54

¹⁵² Normanton, H. *Sex Differentiation in Salary* 1915 National Federation of Women Teachers

¹⁵³ Letter from the University of London addressed to Normanton at 273 Willesden Lane, NW, informing her that she had been added to the list of University extension lecturers, WL: 7HLN/A/01.

¹⁵⁴ Extension lectures were a means by which women could access university teaching at a time when some universities were closed to them or if they were unable to attend university for any reason. It began in 1867 by Prof James Stuart, a Cambridge don, and the movement later became known as the London Society for Extension of University Teaching. The lectures were offered classes in major cities in England] Dyhouse, C. *No Distinction of Sex? Women in British Universities 1870-1939* London: UCL, 1995.

¹⁵⁵ Letter from the Registrar of the University Extension Board, University of London to Normanton, 24 February 1916, WL: 7HLN/A/01

name appears in the index of Lecturers, along with Dr. Marie Stopes among many others. She appears to have worked in this capacity until 1920.¹⁵⁶

Normanton was clearly a good teacher, her references describing her as having great potential,¹⁵⁷ enthusiastic,¹⁵⁸ a 'good disciplinarian and an earnest and successful teacher'.¹⁵⁹ She cared about teaching and had strong views on education throughout her life. On her CV she commented that she had always been in the best of health. She wrote 'In ten years only one continuous absence (a fortnight) from duty – tonsillitis, contracted from a pupil. And a very few odd days for colds'.¹⁶⁰ This adds to the picture of a woman who was not only healthy but also extremely driven, hardworking and committed. Why then she did give up school teaching and move to London? The answer to this question lies in her work for the weekly publication called *India*.

Normanton's move came at a particular moment in the struggle for Indian independence. The First World War, which saw Indian soldiers fighting for Britain, triggered important debates on the Indian independence movement and its future direction. While the younger faction led by Gandhi would ultimately come to the forefront of the Indian National Congress, others actively

¹⁵⁶ WL: 7HLN/A/01

¹⁵⁷ WL: 7HLN/A/01 reference by W. Done BA 7 March 1913.

¹⁵⁸ *ibid.* Reference by Ernest Rayns 17 January 1913

¹⁵⁹ *ibid.* WL: 7HLN/A/01 reference by M.E. Tassell 28 February 1907

¹⁶⁰ WL: 7HLN/A/01

involved included the British feminist, socialist and later theosophist Annie Besant (its president in 1917).¹⁶¹ Normanton was therefore very much part of a political movement which was engaging the passions of contemporaries on two continents, including prominent women. Already, campaigns led by Gandhi during the War had helped to prompt the Government of India Act 1919 which expanded participation of Indians in the government of their own country. Inadequate on its own to assuage Indian nationalist feeling, the impact of the Act was further undermined by the Amritsar Massacre on 13 April 1919.¹⁶² The army killed many hundreds of non-violent protestors and pilgrims at the Jallianwala Bagh garden, a massacre condemned by a number of British politicians including H H Asquith and Winston Churchill; General Dyer, who had ordered the soldiers to fire, would later be censured by the House of Commons.¹⁶³ In India, the Indian National Congress was expanding enormously, widening its appeal with its campaigns of civil disobedience.

It is perhaps unsurprising that Normanton, with her own concern for social justice, became swept up in the movement. In her collection of the most influential articles produced she explained that she gave up teaching because she could not toe the official line with regard to the teaching of history:

¹⁶¹ See for example Taylor, A. *Annie Besant: A Biography*, Oxford University Press, 1991.

¹⁶² See for example Lloyd, T. O *The British Empire, 1558-1995* (Oxford: Oxford University Press, 1996); Levine, P. *The British Empire: Sunrise to Sunset* (Harlow: Longman, 2007).

¹⁶³ See for example Collett, N. *The Butcher of Amritsar: General Reginald Dyer* (London, 2005); Tuteja, K. L. 'Jallianwala Bagh: a critical juncture in the Indian national movement', *Social Scientist*, 25, 1/2 (Jan.-Feb. 1997), 25–61.

*'My own conception of India's case came to me entirely from laboriously historical delving when studying for an Honours degree of London university; and from the study of India's connection with Great Britain, I emerged permanently saddened by the amount of duplicity from intellectuals which Governments can apparently almost invariably command. The acquisition of India is written about by nearly as all historians as something glorious, wonderful and beautiful on the part of England and as something beneficent and helpful of India This point of view entirely permeates our popular text-books and school courses. I suppose a teacher who taught to the contrary in a British State School would soon be dismissed. The tragic thing is that very few would ever want, simply because the Indian side of the case is not available to them, to realise what they are doing. Personally I am not anti-imperialist in the sense of hating the British Empire as such. I see no harm whatever in the colonisation of all but empty areas like Canada and Australia.... But the imperialism based on force and fraud is not distinguished from legitimate expansion in imperialism disseminated though and by the School, the Press, the Pulpit and the Historian. That is the Quadruple Alliance of India's enemies.'*¹⁶⁴

She continued that, as a teacher, she was under the control of the 'Quadruple Alliance', 'of cobweb softness but of the strength of steel'. She felt that she was only nominally in control in the classroom, so she resigned and had never regretted it. She stated that she had never found a truthful textbook account of the acquisition of India. This suggests that she left teaching not

¹⁶⁴ As explained in the introduction of Normanton, H. *India in England* Ganesan Publishers 1921. This volume was a reprint of the leading articles in *India*.

just to campaign for the opening up of the legal profession, but because she had political views that she could not reconcile with her role as a teacher. She was a woman of strong convictions and morals.

India was a weekly publication and an organ of the Indian National Congress. It cost three pennies and did not have a wide readership, so was always short of money. However, the readers it did have were influential.¹⁶⁵ Normanton became editor in 1918/1919 when the policy of the paper was to attack Edwin Montagu in his capacity of Secretary of State for India, Mr Montagu.¹⁶⁶ She admitted in her volume *India in England* that she was ashamed that *India* was not edited by an Indian national, but they had never found anyone suitably qualified. Past editors had included Sir Gordon Hewart¹⁶⁷ (Attorney General in 1921) and Frederick Pollock,¹⁶⁸ a supporter of Normanton's, and legal academic and barrister. She wrote that from November 1919 she was entirely alone as editor, doing the work of three people. She regarded Gandhi's non-cooperation as 'magnificent' and felt that there was a need for India to educate Britain. She begged patience by the Indians, she knew from experience that England moved slowly, but insisted that the end result would be a victorious one. Her future father-in-law was very involved with *India*. Her husband to be came from a family with similar persuasions to hers.

¹⁶⁵ As explained in the introduction of Normanton, H. *India in England* Ganesan Publishers 1921. This was a reprint of many of the leading articles in the weekly *India*.

¹⁶⁶ Chandrika Kaul, 'Montagu, Edwin Samuel (1879–1924)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹⁶⁷ Robert Stevens, 'Hewart, Gordon, first Viscount Hewart (1870–1943)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹⁶⁸ Richard A. Cosgrove, 'Pollock, Sir Frederick, third baronet (1845–1937)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

Conclusion

Normanton's early childhood was difficult: her parents separated and her father died while she was an infant. She was separated from her sister and moved homes and locations often. Her mother died while she was a teenager. Her mother was the probable source of a rugged individualism, hence she was determined to support herself and to succeed. Her mother seems to have had clear ambitions and aspirations for her daughters and actively encouraged them to learn and make the best of any education open to them. The experience in that solicitor's office exposed Normanton to possible sex inequality. Her loyalty to her mother and empathy for other woman in her mother's situation probably inspired her to depart from conventional norms and aspire to join a profession that was resolutely closed to women. From her early life she seemed restless. Her mother's situation instilled in her the need to be able to be financially independent of a male, and she became a teacher, one of the few professions open to women. Her collection of academic achievements suggests that she needed to be constantly stimulated and acknowledged by the elite as being as good as any man. We saw that teaching was no longer a moral option for her as she felt unable to teach from accepted materials. It is probably fair to say that by 1919 teaching alone was not enough for her. Normanton was a part of a growing movement of women who were radical in their beliefs and determined to challenge the law and social norms, and most importantly: to change their own lives and in turn the lives of other women.

Chapter 2

Feminism and Context

'I longed to go to prison with the rest of my comrades in the fight [to vote] but I knew that this could never be because, if I had a prison sentence, I would never be able to open the profession of the law to women, which I regarded as my job in life.' Helena Normanton, 1950.¹

As we have seen, Helena Normanton nurtured an aspiration to become a lawyer from the age of twelve.² At that time the profession was closed to women: just one of the many significant legal obstacles they faced. In order to better understand Normanton and her position in history we need to consider the legal and social conditions of her time and how these affected her life and those of her contemporaries.

Locating Normanton's Feminism

Normanton was born in 1882 and died in 1957. Her life spans a long and important period of feminist activity, with numerous gains for women. Normanton's legal ambition was driven by a desire to open the Bar to women. She sought equality. This behaviour can be categorised as feminist. However, defining her as a particular type of feminist is both difficult and artificial.

¹ Speech by Helena Normanton to members of the Suffragette Fellowship, 6 February 1950. WL: 7HLN/4

² Normanton, H, *Everyday Law for Women*, 1st edition, Richard Clay & Sons, 1932, p. 6

Feminism is and remains hard to define. It is a way for women (and men) to challenge inequalities in the private and public spheres. Part of understanding those inequalities is to examine history and to discover where those inequalities stem from. Feminist challenges to the status quo can be made by understanding if the inequality is socially constructed rather than natural. This is the job of a feminist.

Feminism traces its origins to Mary Wollstonecraft (1759-1797).³ Women's position had changed in the seventeenth century. During this period there was a shift from 'domestic industry' to 'capitalistic industry'.⁴ With the former women enjoyed a similar status to men, but as the change in industry occurred their status was diminished as all 'valuable' production became commercial and occurred outside the home. Husbands and wives were no longer considered to contribute equally to the household as the emphasis was placed on that outside commercial industry. Women had been grouping together and discussing issues relating to women from the 1700s.⁵ These groups became more organised in England in the early nineteenth century, working women for better pay and working conditions⁶ and middle-class women initially becoming involved in politics⁷ (albeit through men). These groups concentrated on public affairs such as opposition to the Corn Law⁸ and spread to more moral radicalism, such

³ Barbara Taylor, 'Wollstonecraft, Mary (1759–1797)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁴ See Clark, A., *Working Life of Women in the Seventeenth Century* (London, 1919).

⁵ Taylor, B. *Eve and the New Jerusalem: Socialism and Feminism in the Nineteenth Century* London, Taylor Francis Group 1968, p. 11.

⁶ Drake, B. *Women and Trade Unions* London, Virago 1920 p. 3

⁷ Frow, R and Frow, E. (eds) *Political Women 1800-1850* London Pluto Press 1989, chapter 3.

⁸ Morgan, S. 'Domestic Economy and Political Agitation: Women and the anti-Corn Law League 1839-1846', in Gleadle, K and Richardson eds *Women in British Politics* Basingstoke, Macmillan 2000.

as anti-slavery.⁹ This movement provided a vehicle for women to voice their views as independent, political individuals, who questioned men's authority. These groups provided an outlet for women with diverse and wide ranging views; there was not just one united voice (just as there is not one united voice today). By the mid-1800s a co-ordinated campaign to reform property laws concerning women was formed;¹⁰ feminism had become a movement in its own right.¹¹ The movement was now one of sisterhood, moving from liberalism to exploring the sexual oppression of women and sexual double standards.¹² There were many campaigns, for example, Josephine Butler led the campaign against the Contagious Diseases Acts, which provided a means by which middle-class women and working class women could unite. Likewise, Barbara Hutchins, in 1915 focussed on the slum conditions of women and the sexual double standards that existed in working women's wages.¹³ Fawcett¹⁴ argued initially that the vote should only be for unmarried or widowed women, a view that differed from many other campaigners.¹⁵ There was not one central, united voice, as many held different views.

⁹ Midgley, C. *Women against slavery* London Routledge 1992, pp. 87-9, 39-40, 142-5.

¹⁰ For a comprehensive study see: Holcombe, L. *Wives and Property: Reform of the Married Women's Property Law in Nineteenth Century England* Toronto and Buffalo: University of Toronto Press 1983.

¹¹ Midgley, C. 1992, op cit.

¹² See Walkowitz, J. R. *Prostitution and Victorian Society* Cambridge: Cambridge University Press 1980

¹³ See Hutchins, B. *Women in Modern Industry* London, 1915, p. 110.

¹⁴ Janet Howarth, 'Fawcett, Dame Millicent Garrett (1847–1929)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹⁵ Joannou, M. And Purvis, J. Eds *The Women's Suffrage Movement: New feminist Perspectives* Manchester: Manchester University Press 1998, pp. 2 and 43; such as the Pankhursts, see Pankhurst, S. *The Suffragette Movement* London, Longmans Green and Co. 1931

Feminists also began to focus on marriage and the idea that it was a contract that worked to the detriment of the wife.¹⁶ The view that marriage was the ideal for women was being questioned and it was suggested that men made their wives slaves, exposed them to venereal disease and that their only use was to ensure the legitimacy of their husband's children.¹⁷ A younger generation of woman, often termed 'new feminists' questioned whether there could be 'good' marriages. This opposed the older mid-Victorian feminists' ideas that there could be good marriages, based on love and equality between two parties.¹⁸ Normanton married late in life, but enjoyed a long and according to her niece happy marriage. However her views on a wife's need for financial independence was a 'new' feminist idea and not one necessarily held by other feminists, although conversely her emphasis on equality in areas such as legislative reform in relation to tax and divorce law was very much an 'old feminist' ideal. Other ideas were also being explored such as the nature of women's sexuality.¹⁹ Some women were considering whether sexual relationships outside of marriage were desirable.²⁰

Different generations of feminists worked together in the 1890s.²¹ We have seen that the questions for feminists had moved away from the debate on sexual difference²² and the model

¹⁶ Caird, M. *The Morality of Marriage and other essays on the status and destiny of women*. G. Redway: London 1897, pp 131-156.

¹⁷ Grand *The Heavenly Twins* republished University of Michigan Press 1993. There was a real concern about venereal disease.

¹⁸ Caine, B. *English Feminism 1780-1980* OUP, 1997, p. 137

¹⁹ See Vicinus, M. 'Distance and Desire: English Boarding School Friendships, 1870-1920', in Duberman et al (eds) *Hidden From History: Reclaiming the Gay and Lesbian Past* New York Harmondsworth, Penguin 1991

²⁰ Allen, G. *The Woman Who Did* John Lane Publishers: London 1895

²¹ This would cause conflicts, see Caine, B. 'Generational Conflict and the Question of Ageing in Nineteenth and Twentieth Century Feminism' *Australian Cultural History*, 14 (1995) 92-108.

of female excellence and were now focused on marriage and sexuality.²³ The Victorian ideal of women as feminine beings was challenged by stronger images of more powerful women, such as Joan of Arc.²⁴ Suffrage activity increased. Normanton's stated goal in life was to open the profession to women. We shall see in later chapters that Normanton was not alone in this goal, but it was a goal that often concerned people of wealth, with good connections and an elite education because a private income was necessary to follow such a profession,²⁵ it did not necessarily affect the working-classes; it was a middle-class debate, but it would have a wider effect on how women were treated and viewed by society. Certainly Normanton was concerned with working class women's issues, such as pay (we will see later that she assisted the attendants in the Royal Courts of Justice in a pay dispute). Her life spanned the labour movement and she could not have been unaffected by working-class women's demands for change;²⁶ they questioned whether their identity was determined by their sex or their class. This was a time of factory expansion and women (and men) were campaigning for better terms and conditions.²⁷ They raised questions about childcare and family responsibilities, as well as

²² Bodichon, B. *Reasons for and against the enfranchisement of women*, published by the National Society for Women's Suffrage. London: McCorquodale & Co, 1872.

²³ Bland, L. *Banishing the Beast, Sexuality and the Early Feminists* New York Press: New York, 1995.

²⁴ Tickner, L. 'The political imagery of the British Women's suffrage movement' in Beckett, J. and Cherry, D. (eds) *The Edwardian Era* 1987 Phaidon: London, 100-116.

²⁵ Abel, R. *The Making of the English Legal Profession 1800-1988* Beard Books, Washington, 1988, p.74

²⁶ For a full explanation see Liddington, J and Norris, J. *One hand tied behind us: The rise of the women's suffrage movement* Virago: London 1978

²⁷ See Mappen, E. F, 'Strategists for change: Socialist Feminist Approaches to the Problems of Women's Work', in John, A. V. (ed) *Unequal Opportunities: Women's Employment in England, 1800-1918* OUP 1986.

about whether women should marry, and if so whether they should have children, especially in view of new ideas such as eugenics.²⁸

By the 1890s the question of women's rights had been raised to the fore both publicly and politically. There was a new word: 'feminist' and a new term 'the new woman'.²⁹ 'Ellis Ethelmer'³⁰ attempted to define the term for the first time in 1898³¹ but we have seen it was not a new movement. The word came about at a time when new ideas were surfacing. Not all women, such as Beatrice Webb,³² saw it as a useful term.³³ We can see why today: definitions of 'feminist' can be artificial, and often crude, falling under headings such as 'mid-Victorian', 'New Woman', 'militant', 'socialist', 'radical' and 'postmodern'. Normanton, as we shall see later, highlights the problem of attempting to place a woman within such definitions as she does not appear to fit into particular feminist definition or group. Her membership in 1921 of the Six Point Group³⁴ suggests that she promoted strict equality and that she was an 'old feminist' or an 'equality' feminist,³⁵ but her notions on female independence were very much of the 'new feminist' variety. Her mother did everything in her power to enable her daughters

²⁸ This is explored in Lewis, J. *The politics of motherhood* London Croom Helm 1980.

²⁹ Kersley, G. *Darling Madame: Sarah Grand and Devoted Friend* 1983 London, Virago Press 1983.

³⁰ This was the pseudonym of Ben and Elizabeth Wolstenholme Elmy. Sandra Stanley Holton, 'Elmy, Elizabeth Clarke Wolstenholme (1833–1918)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

³¹ Ethelmer, E, 'Feminist', *Westminster Review*, 149 (1898), 60-5

³² John Davis, 'Webb, (Martha) Beatrice (1858–1943)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

³³ Webb, B, 'The Awakening of Women', *New Statesmen*, suppl. 'On the Awakening of Women' (2 Nov. 1911).

³⁴ WL: 5SPG

³⁵ Showalter, E. *Inventing Herself: Claiming a Feminist Intellectual Heritage* 2001 Scribner Books, p. 172

to be independent, which was very much a feminist theme in the 1890s (the period of Normanton's education).³⁶

She also wanted to inject her feminist beliefs into her legal practice. There is an element that she wanted to feminise the law. Later, on entry to the Bar, she would comment that 'Women often say that they cannot get a man lawyer to understand what their real grievance is. Something has gone wrong with their marriage and they are not able to convince a man as to the cruelty of the case...' However she was quick to add that 'I do not mean to confine myself to women's cases.'³⁷ This highlighted the dilemma at the heart of her campaign and subsequent career: while part of the argument for admitting women was that they would bring something different to the law, at the same time they were forced to defend themselves against charges that they were incapable of thinking legally and acting as disinterested professionals as men were presumed to do. She obviously did not want to pigeon-hole herself as a specialist only in family law cases as some of the first women doctors had been confined to women's health.³⁸ She clearly hoped she would have a choice of cases and that she could bring about real and much needed change to the legal profession. She was careful to promote herself as not challenging the establishment, one that had been coerced into accepting women.

³⁶ Schreiner, O. *Woman and Labour* Virago: London 1911.

³⁷ In reality women barrister's careers were often restricted to crime and family work. They did not manage to move into more lucrative commercial fields of law for some time.

³⁸ For example Elizabeth Blackwell

This feminisation of the law is the subject of academic debate still today. It is unclear to what extent Normanton wished to feminise the law. Normanton expressed a desire to change the way that barristers operated,³⁹ in particular she perceived male barristers did not listen to their female clients. Menkel-Meadows wrote about female lawyering in 1985⁴⁰ where she noted that the practice of law is male and our knowledge of lawyers is based on a male norm.⁴¹ Menkel-Meadows described how women lawyers today wish to demystify the law,⁴² this is something Normanton would try to do in 1932 by writing a book on general legal knowledge for women. Further Menkel-Meadows illustrated how women lawyers today have a concern for the interconnection of the personal life and professional life,⁴³ again, Normanton would go on to try and organise an Association of Women Barristers. Menkel-Meadows showed how today's women lawyers share information and sustenance⁴⁴ which is something Normanton was part of: a feminist network of women. Finally Menkel-Meadows argued women lawyers today personalise and contextualise their practice by asking broader questions and developing a fuller understanding of their client's lives which Normanton illustrated by her recognition of the complexities of legal and social problems suffered by her clients (she supported her clients long after she represented them). Menkel-Meadows concludes that it is unclear of the impact of the woman lawyer yet.⁴⁵ But, this is an ongoing debate and can be seen in the work of

³⁹ In an interview with *The Evening News*. 28 December 1919

⁴⁰ Menkel-Meadows, C. 'Portia in a different voice; Speculating on a woman's lawyering process' 1 *Berkeley Women's L.J.* 39 (1985) 39-63

⁴¹ *Ibid* p. 40

⁴² *Ibid* p. 55

⁴³ *Ibid* p. 56

⁴⁴ *Ibid* P.57

⁴⁵ *Ibid* p. 63

McGlynn⁴⁶ and Bacik, Costello and Drew. In the past it was debated that there was an essential woman: women being more caring and conciliatory with a morality responsibility orientation compared to men who were described as having a justice orientation.⁴⁷ It appears that an essentialist idea of women is now rejected and a more pragmatic approach adopted, i.e. that women make up half of the population and therefore they must be represented within the legal personnel.⁴⁸

Normanton's involvement with the feminist movement

We saw in Chapter 1 that by 1915 Normanton was a member of the Women's Freedom League (WFL)⁴⁹ and had been their guest speaker at the celebrations of the 700th anniversary of the Magna Carta.⁵⁰ She was at the heart of the campaign for the vote and also part of the network of women who promoted social and legal change, a sense of female community and an improvement of their conditions by networking. This was not her only involvement in feminist organisations. She was part of a bulging network of women, demanding equal rights. For example she was the member⁵¹ of the Committee for the Admission of Women to the Legal

⁴⁶ McGlynn, C. *The Woman Lawyer: Making the Difference* OUP 2005; Bacik, I. Costello, C. Drew, E. *Gender in Justice: Feminising the Legal Profession* Trinity College Law School, 2003

⁴⁷ Gilligan, C. *In a Different Voice* Harvard University Press 1982

⁴⁸ Bacik, 2003, p. 34, op cit and Rhode, D. 'Gender and the Professions' in Schultz, U and Shaw, G (eds) *Women in the World's Legal Profession* Oxford, Hart, 2003, p. 7

⁴⁹ WL: 7HLN/D/07

⁵⁰ Burton, A. *Burdens of History: British Feminists, Indian Women and Imperial Culture 1865-1915* 1994 University of North Carolina Press, p.53.

⁵¹ There is no corroborative material in her WL papers but she was at their victory dinner after the passing of the Sex Disqualification (Removal) Act and there we can surmise that she was a member.

Profession.⁵² It was probably founded by Christabel Pankhurst in Manchester after her application to Lincoln's Inn was rejected in 1903.⁵³ Pankhurst acted as its secretary in 1904⁵⁴ but only fragments of information exist about it,⁵⁵ but it is clear that it was a well organised group that lobbied and raised public awareness. It is possible that this was an extension of the group set up in 1878 for the *Promotion of Legal Education for Women*. We will see in the next chapter that, from their victory celebrations, membership included Samuel Garrett,⁵⁶ President of the Law Society, Ray Strachey (Chairperson),⁵⁷ Gwyneth Bebb, Helena Normanton, Chrystal Macmillan, Nancy Nettleford and others.⁵⁸

Normanton's demand for the vote was not confined to the WFL⁵⁹ but also the WSPU,⁶⁰ and the Union of Women Voters (this was after the right to vote had been secured and they demanded

⁵² Ray Strachey was the Chairperson: Evening News 9 March 1920 and Evening Mail 9 March 1920. Barbara Caine, 'Strachey, Rachel Pearsall Conn [Ray] (1887–1940)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

⁵³ Purvis, J. *Emmeline Pankhurst: A Biography* London, Routledge, 2002, p. 68 and Pugh, Martin. *The Pankhursts* London, Vintage, 2008, p. 116 and Crawford, E. *The Women's Suffrage Movement: A reference guide 1866-1928* UCL Press: London 1999.

⁵⁴ Pugh, M. *The Pankhursts* Vintage: London, 2008, although Pugh refers to it as 'The Committee to Secure the Admission of Women to the Legal Profession', it must be the same group given Pankhurst's involvement, p. 116 and Mitchell, D. *Queen Christabel* Macdonald and James, 1977 pp55-6.

⁵⁵ It is mentioned in Pugh *ibid*; Auchmuty, R. *Whatever happened to Miss Bebb* Legal Studies, Vol. 31 No. 2, pp 209 and 212; Lang, E, *British Women in the Twentieth Century* T. Werner Laurie 1929, and Crawford, 1999, *op cit*.

⁵⁶ Brother of Millicent Fawcett (suffragist), Elizabeth Garrett Anderson (doctor) and Agnes Garrett (suffragist).

⁵⁷ Auchmuty, 2011 p.212. Strachey states in *The Cause* that 'Entry to the legal profession had been one of the objects of the feminist societies for many years, and a special committee, with Mr Samuel Garrett as its chairman, had existed for the purpose of securing this reform.' Strachey, R. *The Cause* Virago 1928 p. 235.

⁵⁸ There is little evidence about this committee except the reports of its celebration dinner

⁵⁹ WL: 7HLN/D/07

⁶⁰ WL: 7HLN/A/01

equality of franchise).⁶¹ She was also part of the network of women who concentrated on the correct use of their new right to vote by establishing the National Women Citizens Association,⁶² she would be their first Secretary. This group centred on how women could be active citizens and first met in Hampstead, near Normanton's address in Willesden. She was also one of the first members of the 1921 Six Point Group.⁶³ This group was set up by Lady Rhondda⁶⁴ to promote strict equality.⁶⁵ This is further evidence of her type of feminism: an 'old feminist' or an equality feminist.

Her feminist networks and activism were not just contained to England, but also Europe.⁶⁶ In 1924 she became an honorary member of the Kappa Beta Pi International Legal Sorority, promoting the highest professional standards for women.⁶⁷ She later went on to become the

⁶¹ This was set after the passing of the Representation of the People Act 1918 dedicated to franchise reform.

⁶²WL: 7HLN/D/08 1918 The National Women Citizens Association (1917-1975) was founded in 1917. It centred on how women could be active citizens. From 1913, autonomous local Women Citizen's Associations were formed throughout the United Kingdom with an objective to stimulate women's interest in social and political issues in order to prepare them for active citizenship. In 1917 it became clear that women would get the vote the National Union of Women Workers called a meeting of British women's organisations to discuss the implications. The NUWW drew up the Provisional Central Committee on the Citizenship of Women, with members drawn from interested societies. Later that year 42 affiliated societies were accepted by the Executive Committee. Helena Normanton was the first Secretary. By 1918 the first branches appeared.

⁶³ WL: 5SPG

⁶⁴ Deirdre Beddoe, 'Thomas, Margaret Haig, suo jure Viscountess Rhondda (1883-1958)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Sept 2012

⁶⁵ Initially set up to change the law on six points: satisfactory legislative on child assault, the widowed mother, the unmarried mother and her child, plus equal rights for guardianship for married couples, equal pay for teachers and equal opportunities for men and women in the civil service.

⁶⁶ Her contact with French lawyers is recorded in a folder in her archives: WL:7HLN/A/27.

⁶⁷ This was an organisation founded in 1908 in the USA (Chicago-Kent College) in 1924 (until 1969) to promote high professional standards amongst women law students and lawyers (<http://www.lib.utexas.edu/taro/utlaw/00003/law-00003.html>)

Grand Dean for Europe.⁶⁸ Her belief in the highest professional standards for women is further demonstrated by her membership in 1936 of the British Federation of Business and Professional Women⁶⁹ and it supports the argument that she believed in equality – women should meet the perceived professional standards of men.

She also called for the reform of tax legislation, again equalising the law for both men and women. This is evidenced when in 1929 she became the Chairman of the Married Persons Income Tax Reform Council,⁷⁰ campaigning against Rule 16 of the General Rules under the Income Tax Act 1919 that purportedly supported the family by providing husbands with a married couples allowance in recognition of the fact that wives would not be in paid employment after they married. Normanton called for the separate assessment of married person's tax. The legal situation continued until World War 2 when the Government finally advanced a tax policy that encouraged women to work and out of the family home. Normanton resigned her Chairmanship because of a dispute with other members over the way forward.⁷¹

⁶⁸ WL:7HLN/A/28

⁶⁹ WL: 7HLN/D/11 1936-1938

⁷⁰ WL:7HLN/B/02 1929-1937

⁷¹ WL: 7HLN/A/28

The National Council For Equal Citizenship (NCEC)⁷² counted Normanton as one of their members.⁷³ This group was formed in 1932 out of the National Union of Societies for Equal Citizenship (NUSEC), which in turn had been formed in 1918 out of the National Union of Women's Suffrage Societies (NUWSS) which decided to revise its aims after the passing of the Representation of the People Act 1918. Normanton sat on the Legal Profession and Sex Disabilities Special Committee of NUSEC until 1920, when it was disbanded. NUSEC's aims were not just to promote equality of franchise between men and women but also to extend this equality to the social and economic fields, working family allowances and the political education of women. The inter-war years saw a change in feminist behaviour.⁷⁴ Women had achieved a major goal with the Representation of the People Act 1918. As Thane explained, there was not a revolution of gender roles but rather a change in the way women lived their lives, this in turn allowed subsequent generations a greater range of possibilities and the capacity to control their own lives.⁷⁵ This quieter work of feminists has been forgotten after the drama of the WSPU, and we should recognise and revise their contribution. They had achievements in legislative change.

⁷² WL: 7HLN/B/03 1932-1947

⁷³ WL: 7HLN/B/03

⁷⁴ This has been examined in many works, including: Spender, D. *There's Always Been a Women's Movement This Century* Pandora London 1984; Alberti, J. *Beyond Suffrage: Feminists in War and Peace, 1914-1928* Macmillan: London 1989; Harrison, B. *Prudent Revolutionaries: Portraits of British Feminists Between the Wars* Oxford 1987; Dyhouse, C. *Feminism and the Family in England, 1880-1930* OUP 1989; Pugh, M. *Women and the Women's Movement in Britain, 1914-1959* Macmillan London 1992; Kent, S. K. *Making Peace: The Reconstruction of Gender in Interwar Britain* Princeton University Press 1993.

⁷⁵ Thane, P, *What Difference Did the Vote Make?* In Vickery, A. (ed) *Women, Privilege and Power*, Stanford University Press 2001, pp253/4

We will see in chapter 9 that Normanton was also President of the Married Women's Association in 1952. The MWA had been set up in 1938 after the failure of the Six Point Group to persuade the League of nations to incorporate the Equal Rights Treaty that would have promoted equality for married women. The MWA wanted to secure the rights of housewives. She prepared and submitted evidence to the Royal Commission on Divorce (1951-56) without consulting the Association. She proposed that husbands' should pay their wives a an allowance and if the wife misappropriated them she should be answerable in law. She believed in individual property rights and not in the pooling resources. This would lead to her break from the group and her formation of a new group, the Council of Married Women (CMW). Normanton was not campaigning for change alone. She was part of organised feminist activities, part of a strong and powerful network.

Normanton's Lack of Legal Personhood

Normanton's early life was shadowed by women's lack of legal personhood. Her parents were separated and at that time her mother's custody of her daughters could potentially have been thwarted by her father, as we will see later in the chapter. She studied teaching because it was one of the few subjects that could provide her with a career and an independent lifestyle. Before she entered the Bar she had only just been granted the right to vote. When she married in 1921, elements of the doctrine of coverture still operated, affecting matters as fundamental as the basis upon which she held property. When finally a legal career became open to her, many of her cases concerned divorce.

The changing legal status of women in this period is a large field of study with an extensive and significant academic literature, which will inform the study that follows.⁷⁶ We will consider some of the legal obstacles Normanton faced throughout her life, which shaped her career and her character.

Her mother's right to custody

Normanton was the child of separated parents.⁷⁷ Her mother was in a potentially problematic position regarding the custody of Normanton and Ethel. The Custody of Infants Act 1839 gave mothers, for the first time, the right to petition the courts of Chancery for custody of a child under, but not over, the age of seven. Normanton's mother would have been governed by the later Custody of Infants Act 1873, which allowed mothers to petition the court for custody of children under the age of 16, though it did not give them the right to custody. There was still no equality between men and women. There was still an assumption that men had absolute custodial rights over their children. The principle that custody should be decided in the 'best interest' of the child did not apply until 1925.⁷⁸ Women⁷⁹ had to show that they were of good

⁷⁶ Literature includes: Purvis, J. *Women's History: Britain 1850-1945* UCL Press 1995; Liddington, 1978; Caine, 1997; Vicinus, M. (ed) *A Widening Sphere: Changing Roles of Victorian Women* Indiana University Press 1977; Holton, S. S. *Suffrage Days: Stories from the Suffrage Movement* Routledge 1996; C. Holcombe, L. *Victorian Ladies at Work: Middle-Class Working Women in England and Wales 1850-1914* David and Charles 1973; Holcombe, L. *Wives and Property: reform of the Married Women's Property Law in Nineteenth-Century England*. University of Toronto Press 1983; Jalland, P. *Women, Marriage and Politics, 1860-1914*. Oxford, Clarendon Press 1986; Jalland, P and Hooper, J (eds) *Women from Birth to Death: The Female Life Cycle in Britain 1830-1914*. Brighton: Harvester Press 1986; Perkin, J. *Women and Marriage in Nineteenth-Century England*, London: Routledge 1989; Rowbotham, S. *Hidden from history* London, Pluto Press 1973.

⁷⁷ They separated in about 1884.

⁷⁸ This was introduced by the Guardianship of Infants Act 1925. This gave equal rights to both parents on divorce and emphasised that the interests of the child was the 'paramount consideration' for the courts when deciding custody.

⁷⁹ The case of *R v Greenhill* (1863) 4 A. & E. 624 is a good example of that double standard and follows *R v De Manneville* [1804] 5 East 221.

character before they could be awarded custody. Typically, the issue on which their claims were lost was adultery,⁸⁰ but other allegations could see a mother denied contact with her children. For example, Annie Besant,⁸¹ a famous campaigner, birth control author and atheist, fell foul of these rules. In 1879 she lost custody of her daughter, despite a deed of separation giving her custody, on the grounds of her failure to give the child religious education and her own assumed immorality due to having published a book on birth control⁸². Since little is known about the circumstances of Normanton's parents' separation it is impossible to judge the likely outcome had her mother petitioned for custody of her daughters. She is likely to have been aware of her situation, and her young daughters were living with her when their father died. This situation highlights the sexual double standard at the time that disadvantaged women.⁸³

Early adulthood

When Normanton came of age in 1903, the law continued to hold her under legal disabilities.

While feminist campaigns, notably for the suffrage, built huge momentum in the years that

⁸⁰ The mother's adultery was seen as an absolute bar to custody. In *Seddon v Seddon and Doyle* (1862) 2 SW & Tr 640 the mother had had an adulterous relationship (the court recognised that her husband's behaviour had driven her to this) but she was denied custody. The judge considered that 'it will probably have a salutary effect on the interest of public morality, that it should be known that a woman, if found guilty of adultery, will forfeit as far as the court is concerned, all rights to the custody of or access to her children', see p. 641.

⁸¹ *Re Besant* [1879] 11 Ch. 508 CA. Anne Taylor, 'Besant, Annie (1847-1933)', *Oxford Dictionary of National Biography*, Oxford University Press 2004, online edn 2008.

⁸² In 1877 Besant and Charles Bradlaugh were prosecuted for publishing Charles Knowlton's pamphlet '*Fruits on Philosophy*'. They were acquitted by the Court of Appeal, see: Browne, J. *Charles Darwin: The Power of Place*, Princeton University Press 2002; Marvell, R. *The Trial of Annie Besant and Charles Bradlaugh*, London: Elek/Pemberton 1976..

⁸³ Shanley, M.L. *Feminism, Marriage and the Law in Victorian England 1850-1895* 1989 Tauris; Sachs, A. And Wilson, J. H. *Sexism and the Law: A Study of Male Beliefs and Legal Bias in Britain and the United States*, Martin Robertson: Oxford, 1978; O'Donovan, K. *Sexual Divisions in Law*, London: Weidenfeld and Nicolson 1985.

followed, significant social and legal change coincided with a much greater upheaval: the First World War.⁸⁴ During the war of 1914-1918 many women performed male work roles.⁸⁵ Women's paid employment increased by 1 ½ million.⁸⁶ The War brought some real changes to women's working lives and education, because their wartime activities challenged the stereotyping of women's roles.⁸⁷ Men, including Members of Parliament, had varying views on the role of women in the public sphere, for example Asquith, the Liberal Prime Minister from 1907-1916, opposed women's suffrage, yet Edwin Montagu,⁸⁸ Minister of Munitions in the wartime government, asked Parliament: 'Where is the man who now would deny to women the civil rights which she has earned by her hard work?'⁸⁹ The war influenced politicians' attitudes to extending the franchise both to men and women, and in 1918 for the first time all men gained the vote at age 21 and most women at age 30. The war also brought about a shift in

⁸⁴ Alberti, 1989 op cit; Harrison, B. *Prudent Revolutionaries: Portraits of British Feminists between the wars* 1987: OUP; Pugh, 1992; Doughan, D. *Lobbying for Equality: British Feminism, 1918-1968* 1980: London; ; Marwick, A. *Women at War, 1914-1918*, Fontana London 1977; Pankhurst, S. *The Home Front* Gay and Hancock London 1932; Brittain, V. *Testament of Youth* Virago, London 1933.

⁸⁵ Clarke, P. *Hope and Glory, Britain 1900-1990* Penguin Books 1997, p. 94.

⁸⁶ Alberti, 1989, op cit.

⁸⁷ For further discussion see: Braybon, G. *Women Workers in the First World War*. London: Taylor and Francis Ltd 1990; Martin D. Pugh, 'Politicians and the Woman's Vote 1914-1918,' *History*, October 1974, Vol. 59 Issue 197, pp 358-374; Grayzel, S *Women and the First World War* Pearson 2002; Thom, D. *Nice Girls and Rude Girls: Women Workers in World War 1 (Social and Cultural History Today)*, I. B. Tauris & Co. Ltd 1998; Holloway, G. *Women and Work in Britain since 1840 (Women's and Gender History)* Routledge 2005; Wall, R and Winter, J (eds) *The Upheaval of War: Family, Work and Welfare in Europe 1914-18*, Cambridge University Press 1998; Law, C. *Suffrage and Power: Women's Movement 1918-1928 (Social and Cultural History Today)* I. B. Tauris Publishers 2000.

⁸⁸ See chapter 1

⁸⁹ In 1918 quoted in Clarke, 1997, op cit p. 98.

the attitudes of many women to how they perceived their status and their participation in the public sphere, as did women's campaigns.⁹⁰

When women won the vote in 1918, Normanton could exercise it because she was already over 30:⁹¹ it was not granted on equal terms with men until 1928.⁹² She was still excluded from much of the public sphere until the Sex Disqualification (Removal) Act, 1919, came into force. On her marriage in 1921 she still faced many inequalities. Married women could not own their own property (whether real or personal); could not refuse sexual intercourse with their husbands; had few rights of custody over their own children and few legal protections against violence within their marriages. This limited legal personality must have shaped women's hopes and desires. For Normanton, the issues of education, the vote, marriage, and, above all, admission to the legal profession were of immediate concern. Each underwent key developments during her young adulthood and require further analysis if we are to understand how the law influenced her life.

University

Today women outnumber men at university.⁹³ At the turn of the last century, not only were women a small minority but some universities did not allow women to take degrees or award

⁹⁰ Bruley, S. *Women in history since 1900 (Social history in perspective)* Palgrave Macmillan 1999; Smith, H.L. *British women's suffrage campaign 1866-1928*, 2nd ed, Pearson 2007; Purvis, 1995.

⁹¹ Representation of the People Act 1918, section 4.

⁹² Representation of the People (Equal Franchise) Act 1928

⁹³ <http://www.guardian.co.uk/news/datablog/2013/jan/30/university-applications-subjects-age-gender-country>

degrees to female students.⁹⁴ The first University College to grant degrees to women was the University of London in 1878⁹⁵ and in 1880 four women passed the external BA examination. Eliza Orme⁹⁶ attended the University from 1871 and finally took her external degree in 1888 (becoming the first woman to graduate in law in England).⁹⁷ There was often hostility towards women studying for degrees, particularly in certain subjects.⁹⁸ An example is the judgment by Lord Neaves,⁹⁹ in the now infamous case of *Jex-Blake v Senatus of Edinburgh University* (1873) 11 M. 784. He made it clear that the University of Edinburgh's admission of women to the study of medicine was illegal, stating that the proposal to confer on women a right of admission to study medicine was beyond the powers of the University Court.¹⁰⁰ Even after the 1919 Sex Disqualification (Removal) Act it was legal for universities to exclude women. As we will see below, section 3 merely permitted Universities to allow women but did not require them to.

⁹⁴ For a comprehensive history of women and universities see Dyhouse, 1995.

⁹⁵ University of London website: www.london.ac.uk/history; and Zimmern, A *The Renaissance of Girls' Education in England: A record of fifty years' progress*. London, A D Innes & Company, 1898

⁹⁶ Leslie Howsam, 'Orme, Eliza (1848-1937)' Oxford Dictionary of National Biography, Oxford University Press, 2004.

⁹⁷ Howsam, L 'Sound-Minded Women': Eliza Orme and the Study and Practice of Law in Late-Victorian England' (1989) 15 Atlantis 44. Mossman, M. J. *The First Women Lawyers: A Comparative Study of gender, Law and the Legal Professions* 2006, Oxford: Hart page 128.

⁹⁸ Dean Burgon from Oxford declared in 1847 that the statute admitting women to examinations was a reversal of the law nature, which was also the law of God and that women were inferior to men and would be inferior until the end of time, Green, V. H. H, *A History of Oxford University* Batsford, 1974 p.186. G. Martin Murphy, 'Burgon, John William (1813-1888)' *Oxford Dictionary of National Biography*, Oxford University Press 2004.

⁹⁹ A. H. Miller 'Neaves, Charles, Lord Neaves (1800-1876)', Rev Shiels, *Oxford Dictionary of National Biography*, Oxford University Press 2004 (this entry professes that Lord Neaves was well-disposed towards the teaching of women at universities).

¹⁰⁰ *Jex-Blake v Senatus of Edinburgh University* (1873) 11 M. 784

These difficulties plus the cost of higher education, and social constraints upon young women meant that attending university was not an option for many.¹⁰¹ Thus Normanton was atypical in achieving a degree, even if she did so through a slightly unconventional route. She did not attend university, but gained a University of London external degree in History, 1st class, through attending classes in Glasgow in 1912.¹⁰² Also, some students at her teacher training college, Edge Hill, were examined by the University of Liverpool.¹⁰³ Due to her financial position Normanton could not have afforded a full time university education and there would have been little reason to study a subject like law that would not provide her with a career. However, we saw in Chapter 1 that, in addition to her history degree and teaching qualifications, Normanton obtained an LL.B Law degree in 1930. This was not necessary at this time even for a would-be barrister.¹⁰⁴ She appeared to collect qualifications.¹⁰⁵ We can only speculate as to why she gained so many.

The Vote

There is no need to rehearse the reasons why the vote was so essential for women and why obtaining it meant that women moved towards a position of legal personality and an

¹⁰¹ Between 1875 and 1914 the number of women becoming teachers rose by 862.1%, Holcombe, L. *Victorian ladies at work: Middle-Class working women in England and Wales 1850-1914*, 1973, Newton-Abbot: David and Charles, p. 34.

¹⁰² WL: HLN/07.

¹⁰³ Montgomery, F. & Flinn, M, *A Vision of Learning. Edge Hill University 1885-2010* Third Millennium Publishing Limited, 2010, p17.

¹⁰⁴ Daniel Duman, *The English and Colonial Bars in the 19th Century* Routledge: London, 1983.

¹⁰⁵ We saw in this Chapter 1.

improvement of their social and political position.¹⁰⁶ In Normanton's lifetime, not only Parliament but also the courts made clear their opposition to women's suffrage. In *Chorlton v Lings* (1886) L.R. 4 C.P the plaintiff's argument centred on the principle that where an Act of Parliament was expressed in the masculine gender it should also apply to the female gender. This argument was rejected. The court said that women could be excluded not only where this was expressly stated, but also where it could be 'properly implied'. Here it was held that the word 'man' had been expressly used to describe men only. The judge, Bovill CJ,¹⁰⁷ went on to explain that women were denied the vote because of 'the respect and honour in which [they] are held', and that, rather than a disadvantage, it was 'a privilege of the sex' because it upheld female decorum.¹⁰⁸

Normanton was thirty-six when she had her first opportunity to vote¹⁰⁹. From 1918 women could stand for Parliament from the age of 21, although they could not vote until age 30.¹¹⁰ As Normanton became a politically-active adult, the suffrage movement was in full swing and recording successes. Other parts of the Empire allowed women the vote: New Zealand and Australia opened the vote to women in 1893 and 1902 respectively, around the time Millicent

¹⁰⁶ Holton, S. S. *Feminism and Democracy. Women's Suffrage and Reform Politics in Britain, 1900-1918*, CUP 1986; Holton, S. S. *Suffrage Days: Stories from the Women's Suffrage Movement* London: Routledge 1996; Purvis, J and Holton, S. S. (eds) *Votes for Women* London: Routledge 2000; Liddington, 1978; Liddington, J. *The Life and Times of a Respectable Rebel: Selina Cooper (1864-1946)* London: Virago, 1984.

¹⁰⁷ J. A. Hamilton 'Bovill, Sir William (1814-1873)', Rev Mary Heimann, *Oxford Dictionary of National Biography*, 2004 where it is noted that Bovill was known for not being impartial.

¹⁰⁸ *Chorlton v Lings* (1886) L.R. 4 C.P. P. 388.

¹⁰⁹ Representation of the People Act 1918. She herself had been a member of the WSPU WL: 7HLN/01/A (her membership card).

¹¹⁰ Parliament (Qualification of Women) Act 1918 section 1.

Fawcett¹¹¹ became leader of the National Union of Women's Suffrage Societies¹¹² and as the Women's Social and Political Union was founded in England.¹¹³ The protection that Bovill CJ spoke about in *Chorlton v Lings* was not afforded to suffragettes. Christabel Pankhurst¹¹⁴ told a rally at the Savoy theatre in 1911, 'When women are being knocked about, men do nothing. But when a £5 of plate glass is broken, it's thought to be serious'. The campaign clearly inspired Normanton: she became joined the WSPU,¹¹⁵ and exhorted fellow teaching students to follow her example. In the Edge Hill College Magazine, she wrote, 'To all Edge Hill suffragists I give this advice – it takes no moral courage whatever to walk in procession!'¹¹⁶

The suffrage movement has been well documented and its story will not be repeated here. In June 1914 the campaign for the vote paused because of the First World War, although the NUWSS kept up activities.¹¹⁷ But in 1916 the House of Commons voted by a 330 majority to give the vote to women over the age of 30. On 11 January 1918 votes for women were passed into law with the Representation of the People Act. This gave the vote to women aged 30 and over who were householders, wives of householders, occupiers of property with an annual rent of £5 or graduates of British Universities. At the same time, all men over 21 were granted the

¹¹¹ Jane Howarth 'Fawcett, Dame Millicent Garrett (1847-1929)' *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

¹¹² 1897

¹¹³ 1903.

¹¹⁴ Jane Purvis, 'Pankhurst, Dame Christabel Harriette (1880-1958)', *Oxford Dictionary of National Biography*, Oxford University Press 2004

¹¹⁵ Her membership card is preserved with her archives WL: 7HLN/A/07

¹¹⁶ 1908 Edge Hill College Magazine

¹¹⁷ Holton, S, 1986, op cit, Ch 6, pp 116-133.

right to vote (provided they satisfied the residence and property qualifications¹¹⁸ and had not been wartime conscientious objectors).¹¹⁹ The Act was a great, but incomplete, stride forward for women. It was not until the Equal Franchise Act 1928 that women were finally given formal voting equality with men when the age limit was lowered to 21 and the property requirements dropped.

Marriage

Normanton married accountant Gavin Watson Clark in 1921. He was the eldest son of his family. Born in Edinburgh, a protégé of the Duke of Norfolk, schooled at Emmanuelle School. He worked in the Queensland gold mines, served in the Boer war and went lumbering in Canada.¹²⁰ There is no evidence of how they met. His father, Dr Gavin Brown Clark,¹²¹ was MP for Caithness from 1884-1900. He was supposed to have run away to sea at the age of nine,¹²² making a fortune of £100 000 before he was twenty three by speculating in America. He eventually moved to South London in 1871 to set up a GP surgery, and then becoming an extremely radical MP: he opposed the Crofter Bill, supported women's suffrage and home rule for India and helped establish the Scottish Labour Party. As a doctor he delivered Queen Marie of Romania, was at one time a physician to Queen Victoria and, at the request of Mrs Gladstone, screwed Mr Gladstone into his coffin. He was such a feminist that he demanded a woman undertaker for himself on his death. It is possible that Normanton could have met her

¹¹⁸ They had to occupy premises worth at least £10 per annum.

¹¹⁹ They were excluded for 5 years after the war.

¹²⁰ *Beckenham Advertiser* December 16 1948, Obituary

¹²¹ Ewen, A. Cameron, 'Clark, Gavin Brown (1846-1930)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

¹²² *Ibid*

husband through her future father-in-law as both were involved with suffrage and the weekly journal *India*. However it is also possible that, as there was a Scottish connection, they met whilst she was teaching in Glasgow. Her father-in-law's contribution to her journey to joining the Bar needs further exploring and will be the subject of future research.

Normanton had strong views on marriage as a legally enforceable contract between a man and woman;¹²³ unsurprisingly, her feminist understanding of the relationship was not consistent with the law. She believed that husbands and wives should be financially separate and that husbands should pay dependent wives a wage for which the wife was legally answerable.¹²⁴ Having such strong views must have made married women's actual legal position concerning property extremely difficult for her. The legal position concerning married women and property was problematic. We saw in chapter 1 that women were subject to the doctrine of coverture. This meant that if the wife's family had not created an equitable¹²⁵ 'marriage settlement' most of the wife's property on her marriage would pass to her husband and, in return, he was legally obliged to support her.¹²⁶ This doctrine only began to relax significantly when the Married Women's Property Act 1870 was passed and a married woman's earned

¹²³ She expresses this sentiment in letters to Marie Stopes WL: 7HLN/A/18

¹²⁴ Letters to the National Council of Women WL: 7HLN/A/18 and The Divorce Law Reform Union WL: 7HLN/B/01

¹²⁵ Equity is a system of law that is separate from the common law. Since 1873 with the passing of the Judicature Acts, equity and common law can be considered in the same court.

¹²⁶ Masson, J, Bailey-Harris, R. And Probert, R. *Cretney Principles of Family Law* 8th Edition, Thomson Sweet and Maxwell 2008 at 3-002 and 3-006. Cornish, W. And Clark, G de N. *Law and society in England 1750-1950*. London: Sweet & Maxwell, 1989, pp 398-403. For a thorough examination, see Holcombe, 1973, op cit.

income became her separate property for her own use only.¹²⁷ It did not confer full property rights on married women.¹²⁸ The legal position changed in the year of Normanton's birth, 1882, with the second Married Women's Property Act. This Act was still in force at the time she married. The legal situation was that her property rights took the form of a statutory settlement (trust).¹²⁹ This adopted the 'separate property' system that was used in equitable marriage settlements. The wife's capital remained her separate property by the operation of statute and was therefore not subject to common law rules.¹³⁰ Wives were benefitted by the 1882 Act because their property no longer automatically transferred to their husband on marriage. Normanton became capable of owning her own property as if she were a man or a single woman in 1935, with the Law Reform (Married Women and Tortfeasors) Act 1935.

Conclusion:

Feminism was not a spent force during the inter-war years. It was a well organised non-violent campaign group, albeit not with a single unified voice. They did not adopt the militant methods of the suffragette movement, rather used the liberal methods of the suffragists. They understood that the vote was not obtained solely through the efforts of the suffragettes. The post-war emphasis was on peace. The campaigns by the NCEC on divorce highlight that there were competing views within the groups as to how divorce should be legislated on. There was not one standard view because the issue was fundamentally different from that of the equal

¹²⁷ S.1 Married Women's Property Act 1870

¹²⁸ Holcombe, 1973, op cit.

¹²⁹ 1882 Married Women's Property Act

¹³⁰ Masson, 2008, op cit, p. 153 at 006.

franchise. There was not one type of feminist. Normanton was neither an 'old feminist' nor a 'new feminist'.¹³¹ She believed in equality but also recognised that women needed improvements in the private sphere, as well as the public. Because they did not all share the same views did not mean that they did not work together for certain reforms. Many understood that change would be slow, as the campaign for the vote was.

Normanton's (and women's) legal position was problematic and complicated for much of her life. She came of legal and professional age at a time when this position was in turmoil. She was an active agent of change, beginning with her suffragette activities at Edge Hill. She went on to fight to become the first woman to be admitted to an Inn of Court, and succeeded in maintaining a practice at the Bar. At first sight it is difficult to understand why any woman would strive to be a barrister when they faced such legal opposition and discrimination. Perhaps a sense of injustice drove her to strive towards her childhood ambition. Perhaps the atmosphere of radicalism and change further fired her own ambitions. Whatever the reasons, Normanton lived through and largely overcame numerous inequalities with men concerning her bodily autonomy, her desire to enter the public sphere, her property and her career.

¹³¹ Workman, J. *Wading Through the Mire: An Historiographical Study of the British Women's Movement Between the Wars* University of Sussex Journal of Contemporary History, 2 (2001).

Chapter 3

Normanton's Struggle for Admission as a student at Middle Temple

*'In the city and the legal quarter the lady clerk had barely set foot... So life flowed confidently on... The summer [of 1914] was still unclouded but in little more than a month the Long Vacation opened to the bulges of war.'*¹

Introduction

The First World War marked a great change for Normanton as well as the nation. 1914 marked the beginning of her progression towards legal personality and her determination to institute change. In that year she was recognised as a 'Specially Qualified Teacher of History' by the Glasgow Provincial Committee for the Training of Teachers.² We saw in Chapter 1 that when the First World War broke out Normanton was a school mistress in Glasgow; by 1915 she had essentially left school teaching and begun tutoring the children of an MP. In 1916 she was added to the University of London list of university extension lecturers³ and was living in London.⁴ She was still on the list in 1920.⁵ She was attempting to end sex discrimination by

¹ Cowper, F. *A Prospect of Gray's Inn* Stevens: London, 1951 p. 117

² WL: 7HLN/A/01, letter from that office to Normanton.

³ WL: 7HLN/A/01

⁴ WL: 7HLN/A/01. Letter from the University of London to Normanton, addressed to 273 Willesden Lane, NW, letter dated 24 February 1916.

⁵ WL: 7HLN/A/01. She lectured on 'Social, Political, Feminist and Historical Issues' Law, C. *Women, A modern political dictionary* London I. B. Tauris & Co Ltd 2001.

providing women with the means to access further education. She was politically active during this period, including calling for the vote,⁶ and she became the first secretary to the National Women's Citizenship Association.⁷ She appears to have left teaching altogether by 1919 and begun editing the political weekly, *India*.⁸ This job gave her time to campaign for women's admission to the legal profession and lobby for other feminist causes. She established permanent roots in London in 1919 when she leased 22 Mecklenburg Square, on the edge of Bloomsbury, WC1, for twelve years.⁹

This chapter will consider her personal struggle to open the profession to women as was already the case in other countries. She was finally able to join an Inn of Court on Christmas Eve 1919, after the passing of the Sex Disqualification (Removal) Act. Her admission marks a step in the progression towards the position of women in the legal profession today.

Inequality in the legal profession is still prevalent. Normanton's lead and experiences in entering the profession is important for understanding this discrimination. Her ambitions and actions have not only influenced the legal profession but also the wider legal and social development of women.

⁶ *The Vote* The Organ of the Women's Freedom League March 3 1916 Vol. XIII, Page 945 'Foundations of Freedom', article by Normanton

⁷ This started in 1917 and emerged from the National Union of Women's Workers. Its purpose was to prepare women for citizenship when they gained the vote and the right to participate fully in the public sphere. It also aimed to stimulate women's interest in social and political issues.

WL: GB 106 5/NWC.

⁸ WL: 7HLN/C/23. She was editor from 1919-1922.

⁹ WL: 7HLN/A/08 and 03. She intended to rent out rooms and draw an income from this, but the rooms were seldom let and the house itself was in need of expensive decoration.

‘The legal profession will have to admit us in their own defencea band of lady university lawyers will say to the Benchers and the Law Society ‘Admit us or we shall form a third branch of the profession and practice as outside lawyers’”¹⁰

Women were prohibited from entering the legal profession and as the quote above suggests this led some women to propose that a third branch of the legal profession be opened in order to accommodate women. However, this third branch of the legal profession was not required as the 1919 Act had the effect of reversing the decision in *Bebb* and *Normanton* and other women could finally be admitted to an Inn of Court and the legal profession. According to Section 1:

*A person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial post, or from entering or assuming or carrying on any civil profession or vocation.*¹¹

In essence this section enabled more women to access the public sphere, allowing women to enter most professions. It did not outlaw discrimination¹² and it was not an ideal piece of legislation. For example section 1(a) allowed women to be excluded by regulation from any branch or posts within the civil service or foreign service, and permitted restrictions on the mode of admission of women in the civil service (this allowed the marriage bar- the automatic

¹⁰ Ivy Williams, as quoted in *The Law Journal* 34, 1904, 1-2

¹¹ Sex Disqualification (Removal) Act c.71, 1919.

¹² Auchmuty, R. ‘Whatever Happened to Miss Bebb?’ *Legal Studies*, Vol. 31 No. 2, June 2011, pp199-230, p. 222.

dismissal of women on marriage- to continue). Section 2 permitted women to be admitted as solicitors after serving three years articles if they possessed a University degree, or had fulfilled all the requirements of a degree at a University which did not, at the time, award degrees to women. These were the same requirements as for men. Section 3 stated that 'Nothing shall be deemed to preclude the authorities of such university from making such provision as they shall see fit for the admission of women to membership thereof, or to any degree' (in other words, the Act did not require universities to admit women).

This Act received its Royal Assent on 23 December 1919. It further allowed women to be appointed as jurors and magistrates¹³ for the first time. The limited granting of the vote to women in 1918 'brought a big harvest of results'.¹⁴ In particular the 1919 Act. 1919 was described by Virginia Woolf as the 'sacred year'¹⁵ because she believed that it allowed women the right to earn a living (though many had in various ways before). However some historians have seen the Act in a more negative light, as 'a broken reed'¹⁶ or 'a dead letter'¹⁷ because it

¹³ This thesis has focused on Normanton and the opening of the Bar to women. She did also campaign for women to sit on juries and to become magistrates. For a detailed study please see Logan, A. *Professionalism and the impact of England's first women justices' 1920-1950*, pp833-850 in *Historical Journal* 49(3): 2006; Logan, A. *Making Women Magistrates: Feminism, Citizenship and Justice in England and Wales 1918-1950*, London: PhD University of Greenwich, 2002, p.150 and chapter 1; and Logan *Feminism and Criminal Justice. A Historical Perspective*, Palgrave 2008.

¹⁴ Strachey, *The Cause: A Short History of the Women's Movement in Great Britain* 1928, London, Virago, p.375

¹⁵ Woolf, V. *A Room of One's Own; Three guineas* London, Penguin, 1938, p. 120.

¹⁶ Pugh, M. *Women and the Women's Movement in Britain, 1914-1999* Basingstoke: Macmillan, 2000, p. 90.

¹⁷ Zimmeck, M. 'Strategies and stratagems for the employment of women in the British civil service, 1919-1939, pp901-924 *Historical Journal* 27(4) 1984, p909.

did not remove the marriage bar or bring an end to sex discrimination, but it achieved some changes, for example women magistrates and jurors.¹⁸

The 1919 legislation finally enabled women to enter the legal profession and in particular, allowed Normanton to enter the Bar. But it did more than that, it also marked the beginning of feminist campaigns during the interwar years. The high profile and well documented suffrage campaign has in the past been considered the last united woman's movement. But this was not so.¹⁹ This legislation is a good example of those later campaigns, although not well documented, but through fragments, we can see that it was well organised and hard fought for.²⁰ The 1919 Act was a stepping stone to other reforms. How did this legislation come into being? What were the events that led to its passing? The Sex Disqualification (Removal) Bill was not the only Bill to be presented to Parliament proposing women's admission to the legal profession. It was one of three Bills presented to Parliament proposing the admission of women to the legal profession. The first was the Barristers' and Solicitors' (Qualification of Women) Bill²¹ introduced by Lord Buckmaster on 26 February 1919, followed by the Women's Emancipation Bill, introduced 21 March 1919²² and the ultimately successful, Sex Disqualification (Removal) Bill introduced in July 1919 by the Government²³ This was a period of unrest in Britain; the Great War had just ended and there were ongoing discussion of the

¹⁸ Logan, 2002, op cit.

¹⁹ See Caine, B. *English Feminism 1780-1980* OUP 1997, p.173

²⁰ See generally Doughan, D. *Lobbying for Equality: British Feminism 1918-1968* London 1980 .

²¹ Introduced by Lord Buckmaster, HL Deb 26 February 1919 vol 33 c339.

²² Introduced by Benjamin Spoor on 21 March 1919. HC Bill 38 (1919).

²³ This had its second reading on 22 July 1919, (Lord Chancellor) HL Deb, 22 July 1919, Vol 35, cc891-911.

peace settlement, there was trouble in Ireland and the further problem of returning soldiers. Women had only just achieved a limited franchise but were now potential voters and MPs.

‘[T]he law will not suffer women to be attorneys, nor infants nor serfs’²⁴

To become a barrister, a man was required to become a student member of one of the four Inns of Court. They had to eat 24 dinners before becoming eligible to be called to the Bar, as well as sitting the Bar exams. We will see below that the law supported those who refused such membership to women, including Normanton. She was not the first woman to be refused admission to the Bar.²⁵ Women had been attempting to enter the legal profession from the 1870s. In 1873 Maria Grey²⁶ organised a petition, signed by ninety-two women, to attend lectures arranged by the Council of Legal Education²⁷ at Lincoln’s Inn.²⁸ Grey was an education reformer and a founding member of the Women’s Education Union.²⁹ The petition was a political gesture and was unsuccessful.³⁰ The Lincoln’s Inn Black Book³¹ records that at a Council meeting on 18th February 1873:

²⁴ *The Mirror of Justices* Charleston: Abu Press 2010

²⁵ Mossman, M. J. *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* Oxford: Hart, 2006 pp 113-121.

²⁶ Philippa Levine, ‘Grey, Maria Georgina (1816-1906’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

²⁷ The Council of Legal Education (CLE) was established in 1852 by the Inns of Court. Its function was to supervise the education of bar students at the Inns of Court. It employed Professors who would lecture the students at the Inns. CLE archive, Institute of Advanced Legal Studies library, University of London.

²⁸ Lady Lowry QC (Vice President of the Association of Women Barristers) in the Association of Women Barristers Magazine Winter/Spring 2004.

²⁹ Kamm, J *Indicative Past: A Hundred Years of the Girls’ Public School Trust*, Allen & Unwin, 1971, p. 16.

³⁰ Mossman, 2006, op cit, p. 116.

³¹ The minutes and memoranda of the governing Council of Benchers.

‘the Petition of Maria G. Grey and others be referred to the Four Inns of Court ...

Ordered: that the Resolution of the Council of Legal Education be confirmed and that the petition signed by 92 Ladies referred to therein be taken into consideration at the next Adjourned Council...’

Accordingly, at the next meeting on 11 March 1873, it was resolved:

‘that in the opinion of this Bench it is not expedient³² that women should be admitted to the lectures of the professors appointed by the Council of Legal Education.’

Although the Bar was resolutely closed to women, one woman, Eliza Orme, circumvented the need to be professionally qualified and managed to practise law. Despite having no formal legal qualifications, she opened a law office with a colleague on Chancery Lane in London in 1875,³³ called Orme and Richardson.³⁴ There were probably many women working in non-qualified positions in law offices, but Orme’s office was ‘bold’³⁵ because there were women legal assistants at this time but ‘few, if any’ had set up an office as Orme and Richardson did.³⁶ Although she managed to gain an LL.B in 1888, when she was forty years old, Orme was never qualified to practise the law. She practised for twenty five years³⁷ working as a quasi- lawyer or legal assistant to qualified lawyers, by providing opinions and drafting pleadings and

³² This meant proper and practical

³³ ‘The year ‘That Awa’’ (this means ‘the year that away’) (December 1875) 6 *Englishwoman’s Review* 533 (this article describes Orme and Richardson’s work and office); ‘Women as lawyers’ (November 1875) 6 *Englishwoman’s Review* 510.

³⁴ Richardson was Mary Richardson a fellow law student of Orme’s at UCL, Mossman, 2006, op cit, p. 124.

³⁵ Abel-Smith, B and Stevens, R. (with Rosalind Brooke) *Lawyers and the Courts: A Sociological Study of the English Legal System 1750-1965*, London, Heinemann, 1967 at 192-3

³⁶ Mossman, 2006, op cit, p.132.

³⁷ ‘Women at the Bar’ 12 December 1903 *The Law Journal* 620.

documents.³⁸ Mossman commented that 'Orme's decision to engage in legal work reveals a different strategy; rather than confronting the authority and legal culture of the legal professions directly, Orme chose to do legal work at the boundaries of professional jurisdictions, mainly as a conveyance and patent agent'.³⁹

Miss Day also sought an indirect method of practising law in 1891. However, unlike Orme, she attempted to become a licensed conveyancer 'under the Bar'. This was a means of becoming a 'special pleader'⁴⁰, which required a certificate from one of the Inns of Court. It was a way of becoming a barrister through the back door.⁴¹ However, Lincoln's Inn prevented her from becoming a licensed conveyancer (she presumably felt this was possible because she was competent and professional at her legal work) she was also a feminist campaigner.

For many women, this 'quasi lawyering' was not enough and the battle for formal equality continued. Just before Miss Day's disappointment, in 1878, another group was established which specifically aimed to open the legal profession to women⁴² called the Promotion of Legal Education for Women. This lobbied MPs and canvassed for change. By the turn of the

³⁸ Kirk, H. *Portrait of a Profession: A History of the Solicitor's Profession, 1100 to the present day*, London, Oyez Publishing, 1976 at 132.

³⁹ Mossman, 2006, op cit.

⁴⁰ This occupation has now disappeared, but at the turn of the twentieth century it was a male occupation which involved the drafting of pleadings. They did not have to be barristers (although they could be). The special pleader did not appear in court but had to hold a licence to practice. This was often a job that was performed before Call. See Kershaw, M. *From Beeching to Woolf* 1997 *Liverpool Law Review* 19(1) 47-51 1997.

⁴¹ Lady Lowry QC (Vice President of the Association of Women Barristers) in the Association of Women Barristers magazine Winter/Spring 2004.

⁴² See (1878) 60 *Englishwomen's Review* 151. In 1878 a small group for the Promotion of Legal Education for Women was set up in London.

twentieth century, women were beginning to complete law degrees.⁴³ This created an anomaly: women were technically exempt from certain parts of the professional exams by virtue of their law degree, yet could still not enter the legal profession.

On 5 March 1903 Bertha Cave⁴⁴ applied to join Gray's Inn. On her application she wrote:

*'I am desirous of being admitted as a student of the Honourable Society of Gray's Inn for the purposes of being called to the Bar. I am aware that my application is most unusual and no doubt without precedent, but trust that the Masters of the bench will give it their serious consideration and I should, in the event of a favourable reply, be pleased to conform to any special rules they may think fit to impose.'*⁴⁵

No order was made on this application. Eight days later⁴⁶ the Masters of Gray's Inn referred her application to a committee report, which sat in April⁴⁷ where the Committee considered whether they had the power to admit her. They held that not all the power the Society had concerning admission was delegated from the Judges. Judges alone, they held, decided on details of dress and exercise. These regulations, according to their ordinary and natural sense, indicated that males, and males alone were admissible as students, and, when the regulations were read in the light of the uniform and uninterrupted usage which had so long followed upon them, they appeared to be conclusive against the power of their Society to admit women for

⁴³ In 1892 Cornelia Sorabji passed a Bachelor of Civil Law from Oxford University, see Suparna Gooptu, 'Sorabji, Cornelia (1866–1954)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 ; and also Howsam, 1989 at 46 & 49.

⁴⁴ Middle Temple record MT. 1/MPA/22. See also Lang, 1929, p.146 and January 1904 'Lady Law Students' *Englishwoman's* review 49.

⁴⁵ MT3/MEM

⁴⁶ 13 March 1903

⁴⁷ 24 April 1903

the purpose of being called to the Bar. They referred to various legal cases, none of them on point.⁴⁸

Cave appealed and this was heard in the House of Lords on 2 December 1903 before a formidable group of judges.⁴⁹ She was a litigant in person. She began *'May it please your Lordships: As you already know: the committee of Gray's Inn have decided upon making no order on my application for admission as a student and I appeal to your Lordships, knowing the court has at present power to admit students. I would urge in support of my case that although there are no rules for the admission of students, there appears to be none against'* She argued that they had the power to admit her as there were women lawyers in other countries. She finished by saying *'Will that be sufficient?'* The Lord Chancellor, Lord Halsbury replied *'We are prepared to listen to any argument which you address to us by which you can show you are entitled to become a member of the Inn.'* Boldly she replied *'Does your Lordship know of any reason why I should not be admitted?'* He countered *'I am afraid the objection is that no lady has ever yet been admitted to the Inn; and that, dealing with legal institutions, is a very powerful argument against it. I am afraid that I cannot conduct the proceedings in dialogue. I must ask you to argue it.'* Clearly no legal precedent prevented him from finding in her favour.

⁴⁸ *Jex Blake* case; *Hall v Society of Law Agents*, Scottish law Reporter, vol 38, page 776 and *Beresford Hope v Lady Sandhurst* 23 QBD 70 page 90.

⁴⁹ Lord Chancellor Lord Halsbury (G. R. Rubin, 'Giffard, Hardinge Stanley, first earl of Halsbury (1823–1921)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004), LCJ Lord Alvestone, Mr Justice Kekewich (J. B. Atlay, 'Kekewich, Sir Arthur (1832–1907)', rev. Hugh Mooney, *Oxford Dictionary of National Biography*, Oxford University Press, 2004), Mr Justice Wright, Mr Justice Farwell; Mr Justice Walton and Mr Justice Joyce.

Bravely she asked, *'Have your Lordships anything to argue against it?'* Halsbury replied *'It is not for me to argue against it. It is for you to convince us that you have a right. I am afraid I cannot enter into an argument with you. It is for you to argue before us.'* She persisted *'Might I argue on this principle, that there are no rules forbidding the admission of women?'* Halsbury conceded: *'I think you may take it that is true. That is open to this observation, that nobody ever dreamt that a lady would ask to be admitted to the Inn, or there might have been rules on the subject. I cannot argue with you. We must hear arguments, whatever you have to urge, and then we shall decide.'* She simply said *'There is nothing else I can think of to urge, but that.'* He dismissed her with *'Very good, You may resume your seat.'* He then gave his decision: *'I think we are all of opinion that the appeal must be dismissed. There is no actual rule upon the subject, but long continued practice is a very powerful observation in reference to anything that is suggested as a new right, and this would be a new right which I think certainly does not exist and of which there is no trace whatever. There is no precedent for it, and therefore, I think we are all of the opinion we cannot make a precedent or suggest to the Inns of Court that they should alter the course of practice which has now lasted for some centuries. That is quite enough to justify the Inn in the course they have pursued, and we do not think it necessary to give other reasons than that there is no precedent for such a proceeding.'* He gave no legal precedent to support his decision, because there was no legal authority on which to base his decision. She made one final plea *'Is there no possible chance of your Lordships altering your decision?'* and he showed no remorse *'I think not the least.'* She replied quite simply and with understatement: *'I am very disappointed.'* This transcript was filed in Normanton's application

file in Middle Temple⁵⁰ and formed part of the precedent that was relied on by that Inn to deny Normanton membership. In 1903 Christabel Pankhurst⁵¹ also had her application to join Lincoln's Inn refused on the basis that women were not permitted to practice law.⁵² This would lead her to set up a group to force open the legal profession (see the next chapter).

The other authority that Middle Temple relied on to refuse Normanton admission was that of *Bebb v Law Society* [1914] 1 Ch. 286. In this case, four women⁵³ took the Law Society to court in 1914 in an attempt to force them to allow women the right to sit the Law Society preliminary examination in 1914 in order to qualify as solicitors. There were four separate actions by each litigant. The women argued that the Interpretation Act 1889, section 1, laid down that, where the masculine term was used in a piece of legislation, it was taken to include the feminine. They argued that the Attorneys and Solicitors Act 1729 should apply to women as well as men, enabling them to qualify. The court rejected this argument. They and the Law Society relied upon a mediaeval treatise, *The Mirror of Justices*,⁵⁴ which stated that 'the law will not suffer

⁵⁰ MT3/MEM

⁵¹ Auchmuty, R, *Whatever Happened to Miss Bebb? Bebb v The Law Society and Women's Legal History* Legal Studies, Vol. 31 No. 2, June 2011, pp 199-230 points out that the four litigants in the *Bebb* case were presented by the media as acceptable 'would-be' members of the legal profession, unlike Pankhurst whose behaviour was considered 'disgraceful', see p. 214.

⁵² Lang, 1929, op cit.

⁵³ *Bebb v Law Society* [1914] 1 Ch. 286, included the following litigants: Gwyneth Bebb, Karen Costello (both first class Oxford graduates), Maud Ingram (a Cambridge History and Law graduate and solicitor's office employee) and Lucy Nettleford (a Newnham law student).

⁵⁴ *The Mirror of Justices* Charleston: Abu Press 2010. *The Mirror of Justices* is a manuscript kept in the Parker Library, Corpus Christi College, and Cambridge. The author is unknown but believed to be Andrew Horn, a lawyer and legal scholar (1275-1328). It was relied on by Blackstone and was the basis for his argument regarding the doctrine of coverture.

women to be attorneys, nor infants nor serfs'.⁵⁵ The court concluded that, since women could not qualify as lawyers, they would not be allowed to take the exams. When the case went to appeal, the Master of the Rolls commented that 'There has been that long uniform and interrupted usage which is the foundation of the greater part of the common law of this country, and which we ought, beyond all doubt, to be loath to depart from.'⁵⁶

The decision in *Bebb* was one in a string of cases known as 'persons' cases. This meant that women were not considered 'persons' in legislation, and were not to be included in the masculine pronoun despite general legislation that said otherwise. The decision⁵⁷ was also based on the idea that women needed 'protection'.⁵⁸ Whilst some judges thought upper- and middle-class women should spend their time in the home and in voluntary work, it was clear from the legal regulation of factories and mines that the law (and some in society) had a very different idea of how working class women should spend their time. Although working class women were excluded from working in mines⁵⁹ and from night work in factories.⁶⁰ Very

⁵⁵ Christian, E. B. V. *A Short History of Solicitors* London: Reeves, 1896, the author states that it is difficult to suppose a reason for this statement except ignorance. He also states that women were further excluded from becoming judges alongside 'open lepers, idiots, lunatics and deaf mutes' amongst others.

⁵⁶ *Bebb v Law Society*, p.294.

⁵⁷ An example of this is Lord Neaves judgment in *Jex-Blake* which explained women's absence from Scottish universities by quoting Don Pedro d'Ayala (the Spanish ambassador at the Scottish Court of James IV) who commented that Scottish women '... are the absolute mistresses of their houses, and even of their husbands in all things concerning the administration of their property, income or expenditure ...' From this Neaves J concluded that women were aware that 'their proper place was at home, learning to rule their husbands, and bring up their children...'

⁵⁸ Sachs. A. & J. H. Wilson, *Myth of Males Protectiveness*, Oxford 1978

⁵⁹ The 1842 Mines Act prohibited women working underground Fredman, S. *Women and Law* 1997 Oxford: Oxford University Press, p.72.

⁶⁰ Factory Act 1844 introduced a 48 hour week for women.

many⁶¹ working class women (who were a large and diverse group) did not have much chance to study domestic skills or command their homes, but spent long hours in domestic service or, where factories and workshops existed, in appalling conditions.⁶²

***'The status of a profession is affected by two principal factors: membership and clientele'*⁶³**

Living in London placed Normanton in a good geographical position to lobby for women's entry to the legal profession, since London was the central location for law at the time.⁶⁴ The Bar Council was based in London, as were the four Inns of court.⁶⁵ Although there were provincial sets, most chambers were in London and these sets, until very recently, were required to have their chambers within the precincts of the Inns.⁶⁶ Barristers were (and still are) distinguished from other lawyers by their 'call'⁶⁷ to the Bar, which takes place during 'call night' at one of the four Inns where each barrister must have membership. Once called, the man could call himself a barrister. This gave him a monopoly on the rights of audience in the higher courts and he could only be briefed by the 'junior profession', solicitors. Therefore, the starting place for any

⁶¹ John, A (ed) *Unequal Opportunities. Women's Employment in England 1800-1918* Blackwell 1986.

⁶² Hutchins, B.L. and Harrison, A, *A History of Factory Legislation*, P. S. King & Son Ltd publisher 1911.

⁶³ Abel, R. L. *The making of the legal profession 1800-1988* Beard Publishers 1998 p.17.

⁶⁴ The Supreme Court (formerly the House of Lords) still only sits in London, as does the Court of Appeal. Barristers were often members of a 'circuit'. This was essential for practising outside London. In the past the King would have travelled over the country hearing appeals from the manorial courts. Later he would appoint judges to act on his behalf and they would travel the country on designated circuits hearing cases. This was intended to enable the equitable distribution of justice. These routes later became 'circuits'.

⁶⁵ Middle Temple, Inner Temple, Gray's Inn and Lincoln's Inn. The Bar Council and Inns of Court are still based in London. The Inns of Court were established by Serjeants-in-law. These were elite barristers, a role established around 1300. Their apprentices were known as 'Barristers'. No new Serjeants were created after the Judicature Act 1873 as they were deemed unnecessary. Abel, R, 1998, p. 35.

⁶⁶ Senate Annual Statement 1983-4.

⁶⁷ Being 'called' licenses a barrister to practise law.

would-be barrister was membership of an Inn of Court.⁶⁸ Normanton applied to Middle Temple in early February 1918 and was rejected on the basis of the decision in *Bebb*.⁶⁹ The Inns therefore had control of their membership. Although all four Inns were established around the fourteenth century, Middle Temple boasts the oldest Hall,⁷⁰ which might have appealed to Normanton as a historian.

The purpose of membership of an Inn of Court.

Apart from a gap from the seventeenth century to 1846⁷¹ the Inns were responsible for training barristers.⁷² In 1852 the four Inns established the Council of Legal Education (CLE) which provided lectures,⁷³ and in 1872 introduced a compulsory Bar examination.⁷⁴ Normanton needed to sit these exams in order to practise law. Bar students were not required to be graduates, but the Inns encouraged this by offering exemptions from parts of the Bar examinations for law graduates⁷⁵ and reduced terms of dining for other graduates.⁷⁶ Dining was a further reason why Normanton required admission to an Inn of Court: she needed to

⁶⁸ Abel, 1998, op cit p. 35.

⁶⁹ WL: 7HLN/A/01, letter from Henry Pensford, Under Treasurer of Middle Temple acknowledging her application to be admitted as a student to Middle Temple.

⁷⁰ The dining hall is medieval, Havery, R. (ed) *History of the Middle Temple* London Hart 2011.

⁷¹ Abel, 1998, op cit, p. 48: during this period the Inn's operated as a 'finishing' school.

⁷² Ibid, p.49.

⁷³ Ibid, p.50.

⁷⁴ Ibid.

⁷⁵ Ibid, p. 41.

⁷⁶ Ibid, p. 38.

‘keep terms’ and eat three dinners in each of the four terms for three years.⁷⁷ Without eating the requisite number of dinners in Hall, a barrister could not be called to the Bar.⁷⁸

‘An oligarchy of older barristers who selected their successors’.⁷⁹

Admission to an Inn was therefore essential for a career at the Bar. Admission was controlled by the benchers⁸⁰ of each Inn of Court. Refusals were few.⁸¹ Applicants had to be male, to state their age, residence, condition in life and to supply two references from other barristers or one reference from a bencher.⁸² They were not permitted to practise a trade. The Inns of Court, in essence barristers, exercised almost total control over who could be admitted as students.⁸³

Not only the legal authorities opposed women joining the legal profession, so did many barristers. Evidence is the motion in favour of admitting women moved by Holford Knight,⁸⁴ a

⁷⁷ Ibid

⁷⁸ The dinners had to eaten in the Hall of the Inn of Court where the Bar student was a member.

⁷⁹ Abel, 1998, op cit, p. 37.

⁸⁰ A bencher is a senior barrister who is a governor of an Inn and a member of its council. It is the highest type of membership to an Inn.

⁸¹ Abel, 1998, op cit, p. 38.

⁸² Ibid

⁸³ Polden, Patrick, *Portia's Progress: 'Women at the Bar in England 1919-1939'* *International Journal of the Legal Profession*, Vol. 12, No.3, Nov 2005, p. 294

⁸⁴ George Wilfred Holford Knight 1877-1936, Barrister and Labour MP for Nottingham South 1931-1935, see David Howell, 'National Labour (act. 1931-1945)', *Oxford Dictionary of National Biography*, Oxford University Press 2013

barrister and supporter of Normanton,⁸⁵ at the annual meeting of the bar in 1913, which was rejected by a majority.⁸⁶ Again, in January 1917 he proposed a motion to the Bar Council to allow the admission of women. This was defeated by a majority of 178 to just 22.⁸⁷ Knight believed that women could no longer be denied entry to the Bar because of their contribution to the war effort during the Great War.⁸⁸ He was not alone, Lord Buckmaster could not understand the Bar's refusal of women and had hoped that they would voluntarily open their doors to women. He reflected:

‘I thought it possible that the Inns might take what I regarded as the courageous course of saying that in exercise of their unlimited and undoubted discretion that they would admit women to the Inns without further delay.’⁸⁹

Despite the overwhelming majority of barristers seemingly opposed to female barristers there were clearly some strong and influential male sympathisers.

Normanton's Application to Middle Temple: February 1918

On 6 February 1918 women obtained the right to vote with the passing of the Representation of The People Act. Against this backdrop Normanton applied to Middle Temple. It is unclear exactly why such Press interest followed her in particular, especially as she was not the first to apply. We will see that she made use of the Press to publicise her campaign; she understood

⁸⁵ He would later be her sponsor at Middle Temple and eat her first dinner with her there, see Ch 4.

⁸⁶ Polden, 2005, op cit, p.317; and *Law Times*, 1912-13 p. 317.

⁸⁷ January 1917. As reported in the *Pall Mall Gazette* 17 January 1917.

⁸⁸ *The Observer* 'Women and the Bar' 10 February 1919

⁸⁹ Lincoln's Inn Black Books 2001, p.7.

the value of publicity. There was also a sense that, because the vote had been granted, the campaign to open up the legal profession had a chance of success.⁹⁰

An example of the Press interest is the *Observer* 10 February 1919⁹¹ which (among others) reported that Normanton had applied for admission to Middle Temple. Many of the reports were sympathetic, such as the *Daily Graphic* (16 February 1918) which argued that ‘if women cannot stand in court, they will get no clients!’, and that women did not want special treatment or privileges in court.⁹² This was a direct answer to an argument put forward at that time that women would detract from the working of the courts because of their sex or ‘sex attraction’. The paper dismissed this argument, saying that this hardly deserved serious attention because it was a reflection on the male judiciary and jury, and not on women: ‘We would need to remove women from all public offices and place a grille across the public gallery of the House of Commons so that men do not get distracted!’⁹³ Normanton is quoted in this article and it is worth examining how she represented her case. She used this article as a forum to reassure the public that she did not wish to enter the Bar as a feminist but as a human being desirous of serving the community. This is another indication that she saw the Bar as a means of helping people rather than following the ‘cab rank’ rule. She argued that the law courts were not a

⁹⁰ Auchmuty, 2011, op cit. It was not just the franchise that had been a success, women’s campaigns had other successes for example with regard to property: the Married Women’s property Acts (1870, 1874, and 1882); limited success with divorce Matrimonial Causes Act 1878; the repeal of the Contagious Diseases Acts in 1883.

⁹¹ ‘Women and the Bar’ 10 February 1919 *The Observer*.

⁹² *Daily Graphic* 16 February 1918

⁹³ *Daily Graphic* 16 February 1918

proper arena for sex grievances; rather they existed for the administration of justice ‘pure and undefiled by political prejudices or personal feelings.’ She is portrayed as non-confrontational, rational and non-threatening. This is an early example of Normanton using the Press as a means of promoting the cause, as well as the Press having an interest in her.

Normanton had supporters who wrote references supporting her application.⁹⁴ Holford Knight wrote to Middle Temple asking them to give sympathetic consideration to her application, saying that he supported her, she had high credentials, her public work was full of distinction and her personal character would keep the traditions of the profession secure. Finally, he stated that he was satisfied that the admission of women would enhance the profession and its service to the State. John Wells Thatcher prayed his recommendation for Normanton be put before the benchers. He wrote that he had known her for three years, she was well qualified and well read. Women, he said, would enhance the profession. David Murray LL.D also wrote a reference, stating that he saw a great deal of her in Glasgow, she had a brilliant university career and was widely read with a quick apprehension. Sarah Hale supported Normanton with a reference stating that all her lecturers at Edge Hill were impressed by her intellectual ability, power of concentration and clarity of judgement. These references had no power of persuasion.

⁹⁴ These are all contained within WL: 7HLN/A/01

The First Rejection

On 21 February 1918 Middle Temple held a Parliament⁹⁵ to consider her application and refused to admit her as a student.⁹⁶ The outcome was predictable and widely anticipated. *The Vote*⁹⁷ for example reported that the ‘Londoner’ in the *Evening Standard* had indicated the benchers would not admit women unless Parliament forced them. Normanton received official confirmation of this on 23 February in the form of a letter from the Under Treasurer at Middle Temple, but not the actual judgment.⁹⁸ The letter wrote to inform her that her application had been considered and ‘unanimously refused.’ Normanton must have known that this was most the likely response to her application, but she had hoped that, following women’s enfranchisement, the Bar would concede that women’s public position had changed. Such was the misogyny at the Bar that they would not change unless forced by legislation.

Her plight was not commented on only by the *Standard*. A crudely cut newspaper article from another newspaper was sent to Normanton anonymously (dated 25 February 1918), with in ink at the top: ‘WITH LOVE FROM A BENCHER’.⁹⁹ The cutting stated that she was refused admission & reported her comments that she felt that this was just the first stage in the contest

⁹⁵ A parliament is the Inn’s sovereign body and is the ultimate authority. It is made up of benchers and sits at various times during the year.

⁹⁶ WL: 7HLN/A/01

⁹⁷ February 22 1918 ‘Women as Barristers’, *The Vote* page 155

⁹⁸ WL: 7HLN/A/01

⁹⁹ WL: 7HLN/A/01

and that it would ‘not be a long one.’¹⁰⁰ The article further quoted Normanton saying that she had 6 million enfranchised women behind her who would not tolerate ‘this absurdity from the Benchers’. The ‘With Love’ suggests that it was sent maliciously. She had been refused admission by the Benchers therefore they were in control and she was defeated. Whatever the motive behind the correspondence it must have been unsettling for her.

The Stated Reason for Her Rejection

The minutes of the Middle Temple parliament record the grounds for her rejection. These were agreed unanimously and the Parliament ordered that no reasons should be given to Helena Normanton for the refusal. At some point, she must have been supplied with a transcript, as there is a copy of it in her files.¹⁰¹ The decision consists of a lengthy statement from the Treasurer, which stated, in summary, that they followed the *Bebb* decision. Further, they held that, under the Solicitors Act, 1843, and the Common Law, women were under a disability by reason of their sex; and that they, Middle Temple, were bound by an earlier case in which Gray’s Inn refused admission to a woman.¹⁰² Therefore they had decided that they were bound by precedent and could not admit Normanton. If they were indeed bound by *Bebb* it would have been correct that they were restrained by legal precedent. Parliament had not given

¹⁰⁰ Undated and unheaded. It is worth noting that Normanton was under no illusions that because the vote had been won all other reforms would come automatically. This view was held by other feminists in respect of other social and economic changes, such as Viscountess Rhondda’s comment that the vote was ‘a far cry from the end of the road’ see Caine, 1997, op cit, p.283.

¹⁰¹ WL: 7/HLN/A/01.

¹⁰² This was a reference to Bertha Cave.

them the tool with which to admit a woman: legislation. But was this legally correct? The *Bebb* judgment concerned solicitors and attorneys, not barristers. Therefore it could have been treated as irrelevant. Alternatively, they could have been brave and held that it was absurd to deny women entry to the legal profession when they had been granted the vote and performed roles in the public sphere during the war. This behaviour was, as Auchmuty commented concerning Gwyneth Bebb, one of ‘the defensive strategies employed by those whose privileges are under threat.’¹⁰³ This was misogyny.

The decision of Middle Temple to refuse Normanton entry to the Bar is difficult to understand, except in terms of conservatism, prejudice, misogyny and discrimination. *Bebb* is a poor decision. There is no legal basis for it. The Judge had no authority to distinguish the Interpretation Act on the basis of a medieval Treatise.¹⁰⁴ It is clear that the Judge had no intention of allowing women to become solicitors and used any means necessary to achieve that result. He used a ‘protection’ argument and rummaged around for some kind of legal authority. It is hard to understand why Middle Temple felt obliged to follow the *Bebb* decision when it related to solicitors and did not apply to barristers. The judge held that ‘The law will not suffer women to be attorneys...’ i.e. solicitors. Before 1873, when law and equity cases were heard in different courts, solicitors practised in the Chancery Court, attorneys practised in the Common Law courts and proctors practised in the Ecclesiastical courts. After the Judicature Act 1873, attorneys became solicitors of the Supreme Court. As a consequence of this, section

¹⁰³ Auchmuty, 2006, op cit p. 230.

¹⁰⁴ A discourse on the law.

89(6) of the Solicitors Act 1974 legislated that any reference to attorneys was to be read as a reference to solicitors. Nonetheless, the effect of Middle Temple's decision was that Normanton was frustrated in her legal ambitions once more. This would change only in 1919, with the passing of the Sex Disqualification (Removal) Act.

Support

Normanton's character is demonstrated by her reaction to the rejection: she lodged an appeal immediately. Again, she was not acting on her own. She had tremendous support from women's organisations and prominent male establishment figures. Holford Knight¹⁰⁵ wrote regularly in the Press. His sentiments can be seen in an article written in 1913.¹⁰⁶ He wrote that he failed to understand why England was not progressive and had not accepted women legal professionals when 'other modern states' had done so; he believed that it was only a matter of time. He countered arguments that women were physically incapable of being lawyers with the fact that women already, under the stress of economic need, undertook a wide range of employment. He dismissed arguments that women suffered from 'defect of temperament and mind' that 'would lower the standard of professional conduct', stating that he was not sure whether this was true and that many men suffered from this disability. He concluded by saying that 'only exceptional women will be admitted'. Was it true that only 'exceptional' men were practicing as barristers at the time? and that women who were not up to being barristers would

¹⁰⁵ Chapter 2.

¹⁰⁶ *The Contemporary Review* May 1913 no. 569. WL: 7HLN/A/03 loose items from scrapbook 2 of 2.

not succeed and the intelligent, successful ones would command the respect of intelligent men?

Even some of the judiciary indirectly backed Normanton's application. Lord Justice Swinfen-Eady,¹⁰⁷ Lord Justice of Appeals¹⁰⁸ and later Master of the Rolls¹⁰⁹ was reported as saying,¹¹⁰ whilst presenting prizes at a girl's school in Pimlico, that he had 'no doubt' that women would be admitted to the Bar. At its meeting¹¹¹ in the Middle Temple Common Room, the Hardwicke Society,¹¹² moved 'That there is no reasonable ground why admission to the Bar should not be granted to women on the same terms as men.'¹¹³ Frederic Mackarness J¹¹⁴ wrote to *The Times*¹¹⁵ publicly endorsing women barristers. He stated that he did not believe that there were any judges or barristers who thought that women would lower the high standards of the profession. He felt that the current position was not a courteous or happy reflection on the sex who were wives, mothers and sisters to men, and had during the last 4 years produced

¹⁰⁷ 1851-1919, see David Davies, 'Eady, Charles Swinfen, first Baron Swinfen (1851-1919)', rev. Hugh Mooney, *Oxford Dictionary of National Biography*, Oxford University Press, 2004. He had opposed Miss Bebb.

¹⁰⁸ 1913-1918

¹⁰⁹ 1918-1919, National Archives: T1/12155. The Master of the Rolls was and is the second most senior judge in England. The most senior is the Lord Chief Justice.

¹¹⁰ *Evening Standard* 2 March 1918

¹¹¹ 8 March 1918

¹¹² A law society named after Lord Hardwicke (a past Lord Chancellor, see Peter, D. G. Thomas, 'Yorke, Phillip, First earl of Hardwicke, 1690-1764' *Oxford Dictionary of National Biography*, Oxford University Press, 2004).

¹¹³ Scrapbook WL: 7HLN/A/01. The motion was moved by Mr F. Van Den Berg.

¹¹⁴ 1884-1920, judge and MP for Newbury (1906) *The Times* Obituary December 28 1920. A handwritten note in her papers states that Mackarness J was the first Bencher of the Middle Temple to express his regrets to Miss Normanton on her rejection.

¹¹⁵ 12 May 1919

thousands of brave, capable, and devoted women of the highest quality. He pointed out that women already appeared in court: as witnesses and litigants in person and there were already women barristers in the Dominion of Canada.

Normanton had a following among women's organisations. The *Christian Commonwealth*¹¹⁶ reported that the National Union of Women Workers (which became the National Council of women later that year), the most powerful body of organised women in the country, which included in its 153 affiliated societies, no fewer than one and a half million women, 'cordially' endorsed Miss Normanton's application at its executive meeting. The Women's Freedom League wrote to her offering their support and confirming a lecture she was to give them the following week. They urged her to 'try & work up the press'.¹¹⁷ Inga Hawkins, of Latchgrads, Chipstead, Surrey, wrote to Middle Temple on 26 February: 'I am sorry for you that it was your lot to tell the women of England that the door to the Middle Temple is closed. It is only a matter of time when the Masters of the Bench will have to swing the door wide-open to women the Masters will with humble, bent heads stand by the door saying 'Come welcome, we want your help to make laws'¹¹⁸ With the support of so many women continuing the campaign must have been both daunting and inspiring.

¹¹⁶ 30 February 1918, WL: 7HLN/A/01

¹¹⁷ 5 March 1918, WL: 7HLN/A/01

¹¹⁸ WL: 7HLN/A/01

Claud Schuster¹¹⁹

Normanton had one other significant ally, and probable supporter, Claud Schuster.¹²¹ Schuster became a civil servant in 1899 and moved to the Board of Education in 1903. In 1915 he was chosen by the then Lord Chancellor, Lord Haldane, to fill the office of Clerk to the Crown Court in Chancery and Permanent Secretary in the Lord Chancellor's Office. By the time Schuster started this job Lord Haldane was no longer Lord Chancellor, having been replaced by Lord Birkenhead.¹²² We have no evidence of any prior acquaintance or introduction between Normanton and Schuster.¹²³ There is no previous correspondence between them in her archives or in the National Archives. On 10 June 1918 she received a reply to a letter she had sent to the Lord Chancellor's office requesting advice about how to appeal against a decision of the Inns of Court Parliament. His letter¹²⁴ explained in detail with whom to lodge her petition

¹¹⁹ Albert Napier, 'Schuster, Claud, Baron Schuster (1869–1956)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004. Hall, J. G. And Martin, D. F. *Yes Lord Chancellor: A Biography of Lord Schuster* 2003 Barry Rose Law Publishers: Chichester West Sussex.

¹²¹ He was sympathetic to the women's movement, *ibid* Hall, *op cit*, p. 134.

¹²² John Campbell, 'Smith, Frederick Edwin, first earl of Birkenhead (1872–1930)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹²³ There is no mention of Normanton in his biography, *ibid* n.101. It should be remembered that Normanton's future father-in-law father was an MP and may have had some influence, but there is no evidence to support this assertion.

¹²⁴ WL: 7HLN/A/05

and where.¹²⁵ He set out the grounds ‘upon which it is desired to appeal’ and attached a copy of an appeal. It is fairly simple and reads:

1. That by recent legislation your petitioner has become a parliamentary elector & she now claims a disability under the common law to exercise public functions in the state has been removed thereby (this is fairly self explanatory, as women have been granted the right to vote and participate in the public sphere then they should be able to participate fully in that sphere by being able to enter the professions).
2. The Bar hitherto raised against the admission of women to the legal profession should be considered by your lordships & removed (again this just means that the judges should consider the law, such as *Bebb*, and remove it by admitting women).
3. That testimony as to personal character from responsible persons as is required by the Consolidated Regulations aforesaid with reference to the fitness of your petitioner has been furnished to the Masters of the Bench of the said Honourable Society of the Middle Temple and copies thereof are appended hereto (this just means that she has the appropriate references).
4. Your petitioner therefore prays that your Lordships will be pleased to grant:-
 - (1) That your Petitioner may have audience before your Lordships to prosecute this appeal (this is fairly self explanatory, it is just asking for her to present her appeal in person).

¹²⁵ The Lord Chancellor, the President of the Probate Divorce and Admiralty Division, the Master of the Rolls, and the Judges of the King’s Bench, Chancery, and Probate Divorce and Admiralty Divisions, each of the Judges to whom the appeal was directed, and the Benchers of the Inn from whose decision the Appeal arises. He said that it should be addressed to the House of Lords.

- (2) That your Lordships may be pleased to set aside the aforesaid refusal of the Masters of the Bench of the Honourable Society of the Middle Temple (this just means to set aside their previous decision).
- (3) That your Lordships may be pleased to direct the said Masters of the Bench of the Honourable Society of the Middle Temple to reconsider the Petition of your Petitioner presented to them on the date above mentioned (this just merely asks them to reconsider their decision).
- (4) Such further and other relief as to your Lordships may see fit.

Normanton lodged this appeal as directed in July 1918,¹²⁶ but it was not heard until 11 February 1919.¹²⁷ The passage of time was explained in the *Daily Telegraph*¹²⁸ as due to her appeal being deferred because of the introduction of Lord Buckmaster's Bill. Lang¹²⁹ explained that Normanton had been given an official explanation to insert in *The Times* that her appeal had been fixed for March 1919, unless the Government made a statement that they would deal with the admission of women by legislation. Lang referred to this as the first official statement about the intended Sex Disqualification (Removal) Act.

¹²⁶ WL: 7HLN/A/05

¹²⁷ Ibid.

¹²⁸ *Daily Telegraph* 11 June 1919

¹²⁹ Lang, E. *British Women in the Twentieth Century* 1929, T Werner Laurie, pp. 163-4.

Seeking Publicity

Normanton responded very actively and did try to 'work up the press'. She gave public addresses, including at two meetings, at 3pm & 7:30pm, of the Derby Women Citizens' Association,¹³⁰ on 'Women and the Legal Profession'. She was described on the flyer as 'the pioneer'¹³¹ in the movement to open the Legal Profession to Women, and is shortly to appear before the Lord Chancellor and 26 Judges of the Country, to personally conduct her appeal.' This description as 'pioneer' is interesting.¹³² Although she was only one of a number of women who had attempted to open the legal profession to women, she had become 'the pioneer' in the eyes of the press and many women's groups. This label was to become a hindrance in her later career and may help to explain why she was not as successful as could have been expected. She also spoke at the Kingston Church of Humanity, Kingston-Upon Thames, Surrey¹³³ on 'Women & the Legal Profession'. She took part in debates, for example at the Union of the Society of London,¹³⁴ at their annual Ladies' Night Debate, at Old Hall, Lincoln's Inn.¹³⁵ She moved 'that all Branches of the Legal Profession should be open to women.' She gave an address, 'That the exclusion of women from the English Bar is to the Public Detriment', at the Pioneer Club, 9 Park Place, St James's, SW1.¹³⁶

¹³⁰ WL: 7HLN/A/29. This was at the YMCA, Victoria Hall, Derby, 18 March 1918.

¹³¹ WL: 7HLN/A/29.

¹³² This is a reoccurring title given her: Polden, 2005, op cit p.308, described her as a 'pioneer'; flyers at debates described as this, see n. 92 below; and in chapter 4 we shall see that this was a title often used by the newspapers when referring to Normanton.

¹³³ WL: 7HLN/A/29. Clifton Villa, Glenthorne Road, 9 June 1918

¹³⁴ This was a London University Student Union (1893-1933), UCLCA/SB (University College of London Students Bodies' Records).

¹³⁵ WL: 7HLN/A/03: 9 April 1919

¹³⁶ WL: 7HLN/A/03

She was fearless in these public debates, publicly arguing ‘That all Branches of the Legal Profession should be open to women.’¹³⁷ This was reported the next day in the *Evening Standard*.¹³⁸ The *Evening Standard* reported her arguments as ranging from relying on authority (‘Why when Mr Justice Eve had the other day given a judgment that opened the profession of Chartered Accountants to women, didn’t he go further and open it up to his own profession?’), to entertainment (‘I myself would have a horror of being heard by a women judge-if I were guilty!’) to non-threatening sincerity (‘I’m not arguing from a narrow feminist point of view but because there might be among women as rich a capacity for service in the law as they had shown in medicine, nursing, and other forms of activity’). In this debate she was vehemently opposed by Mr I. A. Symmons, a Metropolitan magistrate. He admitted some women might have the intelligence, industry, and accuracy of the lawyer; they could study law, even teach it, but not practise because they lacked judgement. He accepted that women might have deeper consciences than men, sympathy, and a love of right and justice, but they lacked honour-the regard for the rules of the game that was embodied in the professional sense of honour. He warned that women were not all law abiding and that women did not respect law because it was law. He further warned that the barristers’ profession was the hardest apprenticeship of any in the world and the world at large knew the successes at the Bar, but not the failures. There were failures in spite of talent and industry. Of over 100 people present , 35 voted in favour of Normanton and 24 for Symmons. This result was reported as a surprise.

¹³⁷ Annual Ladies’ Night Debate on 9 April 1919 at The Union Society of London, WL: 7HLN/A/03

¹³⁸ *The Evening Standard* 10 April 1919

At another event Normanton publicly promoted the Barristers and Solicitors (Qualification Of Women) Bill,¹³⁹ by calling for a resolution ‘That this meeting calls upon the Government to give facilities for its passage through the House of Commons to the Barristers and Solicitors (Qualification Of Women) Bill, which has already successfully passed through the House of Lords so that it may become law at the earliest possible date.’ She also spoke of the social work support that women’s participation in law could bring.¹⁴⁰ She described criminals not as ‘a peculiar type, but rather as a slightly sub-normal person-who was the product of under-nourishment and under-development.’ She saw the criminal as a brother or sister who had gone wrong, needed help and should be helped. Women’s function for her was the ‘humanising of the law’. She strongly believed that the general interests of the community were not served by the continuation of the existing system. As enfranchised persons, women should accept their due responsibility; to neglect it would be a dereliction of duty; to attend it would make the country more humane and moral.

The Appeal Outcome: January 1919

Obviously fed up with waiting, Normanton wrote again to Claud Schuster¹⁴¹ on the 15 January 1919,¹⁴² venturing ‘to bring to his notice that her Petition of 23rd July is still unheard’ and could

¹³⁹ WL: 7HLN/A/03, flyer for Monday 5 May 1919 Public Meeting in Central Hall, Westminster.

¹⁴⁰ WL: 7HLN/A/03, flyer for 22 May 1919 Public Protest Meeting, St. Peters Hall, Bournemouth

¹⁴¹ Normanton was possibly empowered due to exercising her right to vote for the first time in the general election the month before (14 December 1918).

he 'please' fix a date for the hearing of her appeal? He replied two days later,¹⁴³ informing her that the Benchers of the Middle Temple had not yet lodged their reply to her Petition. He wrote that he would write to them and call their attention to this fact. He asked whether she had actually served the petition upon the Benchers and to which judges it had been addressed.

Unknown to Normanton her appeal was heard at Middle Temple on the 30 January 1919¹⁴⁴.

Their judgement stated:

Case for the Benchers of the Honourable Society of the Middle Temple on the Petition of
Helena Florence Normanton:

IN THE MATTER OF

THE PETITION TO THE JUDGES OF HELENA FLORENCE NORMANTON on Appeal from the
refusal of the Benchers of the Middle Temple to admit her as a Student.

Case for the Benchers of the Middle Temple

1. The Benchers do not dispute any of the facts stated in the petition which relate to
the Appellant and her qualifications, personal character, and attainments.

¹⁴² WL: 7HLN/A/03

¹⁴³ 17 January 1919, WL: 7HLN/A/03

¹⁴⁴ WL: 7HLN/A/03. The appeal was heard by a committee composed of: Master Muir Mackenzie (a civil servant: Robert Stevens, 'Mackenzie, Kenneth Augustus Muir, Baron Muir Mackenzie (1845–1930)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004), Master Macmorran, Master Honoratius Lloyd and Master de Colyar,

2. The Benchers considered the application of the Appellant for admission as a student, and decided that by the Common Law there is a disability on the part of a woman to be admitted as a student of an Inn of Court with a view to being called to the Bar, which disability has not been removed by statute.
3. The Benchers further considered that they were bound by the statements of the law contained in the judgments by the Court of Appeal in *Bebb v. Law Society* (1914) 1Chancery 286, and by the decision of the Judges on the Appeal of Bertha Cave against the refusal of the Benchers of Gray's Inn to admit her as a student. That appeal was heard on the 2nd of December, 1903, and in dismissing the Appeal the Lord Chancellor (the Earl of Halsbury) said as follows:-

‘I think we are all of the opinion that the appeal must be dismissed.

There is no actual rule upon the subject, but long continued practice is a very powerful observation in reference to anything that is suggested as a new right, and this would be a new right which I think certainly does not exist, and of which there is no trace of whatever. There is no precedent for it, and therefore I think we are all of the opinion that we cannot make a precedent, or suggest to the Inns of Court that they alter the course of practice which has now lasted for some centuries. That is quite enough to justify the Inn in the course they have pursued, and we do not think it necessary to give any other reasons than there is no precedent for such a proceeding.’

4. Assuming that their Lordships consider that, as Visitors of the Inns of Court, they have jurisdiction to entertain an appeal to them by a person who is not a member of an Inn of Court, appeal on which reference may be made to *R. v. Benchers of Lincoln's Inn* 4 B. & C. 855, the Benchers submit that it was their duty to refuse the present Appellant's application for the reasons above stated.

It is unclear when Normanton had news of this outcome, whether at a meeting with Claud Schuster in February or at some other date. The outcome would not have been unexpected given her original rejection, though it must have been extremely disappointing. It also had the effect of passing the responsibility for women's admission to the legal profession onto Government. It was certainly a missed opportunity by the Bar. It might have been hoped, as Lord Buckmaster said when reflecting on the failure of his Bill,¹⁴⁵ that the Inns might have taken the 'courageous course of saying that in the exercise of their unlimited and undoubted discretion they would admit women to the Inns without delay.'¹⁴⁶ The decision to open the Bar up to women was not going to be achieved without the Inns being forced.

February 1919

On 11 February Normanton received an intriguing letter from Claud Schuster.¹⁴⁷ She clearly had not been informed of the appeal outcome at this date, as he informed her that Middle

¹⁴⁵ The Barristers' and Solicitors' (Qualification of Women) Bill

¹⁴⁶ Lord Buckmaster, as quoted in *Lincoln's Inn Black Books*, 2001, p. 7.

¹⁴⁷ WL: HLN/A/03

Temple had lodged their answer to her petition. He did not tell her what the outcome was, but asked 'Before the next step is taken will you arrange a conversation with me?' and whether she could 'conveniently come here'. She was asked to fix an appointment with his private secretary Colin Smith. There are no formal records of this meeting in the National Archives or in Normanton's files. In a much later letter to the BBC, in 1952,¹⁴⁸ Normanton wrote that the purpose of the meeting was to prevent her bringing litigation. The Government requested that she withdraw her appeal since they were introducing the Sex Disqualification (Removal) Bill. She said that she had evidence of the negotiations in writing and had kept a copy, though none survives in her archives.

Normanton had written to the BBC in response to a programme they were broadcasting on the opening of the legal profession to women, in which they attributed the success of the movement to Ray Strachey. In this letter she stated that the clause on opening the profession to women in the Sex Disqualification (Removal) Bill was drafted in her presence during this meeting with Schuster. There is no evidence to support this assertion. This meeting would explain her failure to take legal action between February and December 1919.

It has always been difficult to understand why Normanton (and indeed other would-be women barristers) did not test in court the Inns of Courts' refusal to allow women students. The idea that the lawfulness of the exercise of power might be tested in court was several centuries old. In particular they could have brought an action to obtain a declaration that their admission

¹⁴⁸ 28 October 1952, letter from Helena Normanton to Ian Jacob Jackson Director General of the BBC, WL: 7HLN/08.

would be lawful by relying on the case of *Dyson v Attorney General*¹⁴⁹. Why did Normanton and the other women not do this? Perhaps because she ‘struck a deal’ with Schuster or because it would have been expensive and time consuming, therefore a more liberal approach was considered more expedient? As an aspiring lawyer she could have brought an action herself. Bertha Cave appeared in the House of Lords in person. Perhaps she felt such a case was unlikely to succeed because *Bebb* had not, or she believed that, without legislation, the judiciary (and therefore law makers and Benchers of the Inns of Court) were extremely unlikely to find in women’s favour, especially as such men had already refused them admission to an Inn of Court.

Lord Buckmaster

Normanton was not alone in her campaign to open the Bar up to women. In February 1919 she had indirect support from Lord Buckmaster as he introduced to the House of Lords his Bill to admit women into the legal profession, the Barristers’ and Solicitors’ Bill.¹⁵⁰ This Bill managed to pass through the Lords with virtually no opposition less than a month before the other two Bills. Lord Buckmaster had appeared as a KC for Gwyneth Bebb in the *Bebb* case. He had been a successful barrister, indeed a KC, a Bencher of Lincoln’s Inn, Standing Counsel to Oxford University, and Liberal MP for Keighley.¹⁵¹ His Bill was considered unnecessary by the government because of the passage of the Sex Disqualification (Removal) Bill, and did not reach

¹⁴⁹ *Dyson v The Attorney General* (1911) 1 KB 410

¹⁵⁰ Barristers and Solicitors (Qualification of Women) Bill February 1919

¹⁵¹ William Goodhart, ‘Buckmaster, Stanley Owen, first Viscount Buckmaster (1861-1934)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

debate in the Commons. Lord Buckmaster stated in the debate, 'Nobody thinks that the passage of this Bill is going to flood the legal profession with women. It will enable a few women, who are peculiarly qualified, to earn an honourable living.'¹⁵²

Lord Buckmaster's Bill

Lord Buckmaster summarised his Bill and the rationale behind it in the radical *Pall Mall Gazette*.¹⁵³ He argued that a woman who was intellectually capable of qualifying for the profession should be admitted to try to succeed in it. He dismissed the idea that women could be excluded from the profession due to assumptions about their physiology, as this was not based upon 'sound premises'. He denied the suggestion that all women were subject to 'emotional cataclysms'. Women, he stated, differed from one another as men differed. He argued that his Bill was permissive: it merely provided that women should not be excluded from the profession because they were women. It did not compel women to become solicitors, nor compel anyone to employ them. His final point was that rules that secured a monopoly for men were unfair, given the effort of women during the war. His Bill initially only covered the solicitors' profession as he believed that the bar had no legal precedent that prevented women from being admitted.¹⁵⁴ He was under the impression that an Inn of Court could change its rules without recourse to legislation or case law. This was because the *Bebb* case centred on 'attorneys', meaning 'solicitors' – not to mention the Bar's long history of emphasising its

¹⁵² HL Deb 11 March 1919 vol 33 c591, Lord Buckmaster (Liberal). Lord Chancellor from 1915-16.

¹⁵³ 8 March 1919

¹⁵⁴ *Bebb v Law Society* [1914]

separation from the solicitors' profession, a factor which made Middle Temple's reliance on *Bebb* the more surprising.

Support

The Bill was widely supported by women's organisations such as the National Council of Women. At their annual general meeting they passed a resolution: 'That this meeting of the Representative Council of Women of Great Britain and Ireland calls upon the Government to redeem its election pledge to the women of Great Britain, by granting the House of Commons full facilities for the Barristers and Solicitors (Qualification) Bill, which has already passed through its stages in the House of Lords, so the provisions of this Bill become the law of this land at the earliest possible moment.'¹⁵⁵

Much lobbying preceded his Bill, by Millicent Fawcett and Mrs Humphrey Ward, among others. They wrote a letter to all MPs asking them to support the Bill.¹⁵⁶ Normanton campaigned too, not only in public speeches, but also by courting press attention and the support of other people. She was a prolific letter writer. On 4 December 1918¹⁵⁷ she wrote to the Prime Minister, David Lloyd George, urging him to pledge to open the legal profession to women. His

¹⁵⁵ WL: 7HLN/A/03, AGM held on June 24 1919 at De Montford Hall, Leicester. Motion proposed by Mrs Tanner on behalf of the Women's Freedom League; seconded by Mrs Oliver Strachey.

¹⁵⁶ Auchmuty, 2011, op cit, p. 218.

¹⁵⁷ Copy of letter in WL: 7HLN/A/01

secretary¹⁵⁸ replied, acknowledging receipt of her letter and referring her to a previous speech. There is also a letter¹⁵⁹ from the Labour MP and Party Secretary, Arthur Henderson,¹⁶⁰ pledging that the Labour Party was entirely in favour of both branches of the legal profession being opened to women and that they stood for absolute equality in matters between the sexes. This pledge was proven by the Labour Party's Women's Emancipation Bill, which was introduced in March 1919.¹⁶¹ In June 1919 she spoke at a NCW conference¹⁶² on 'Women as Magistrates, and to serve on Juries' at De Montfort Hall, Leicester , and to the Women Teachers' Quarterly General Meeting, Essex Hall, Essex Street, Strand on 'The Power of Women's Political Influence'.¹⁶³

Carrying the burden

This period of Normanton's life must have been difficult, yet she continued campaigning. She appears to have had a strong sense of public duty, a desire to fight an injustice that prevented women from entering the profession. She also had her childhood ambition and a sense of moral duty towards women like Millicent Blewett Stone, who¹⁶⁴ wrote a very personal letter of support to Normanton, though they were strangers. She urged Normanton to 'persevere' with

¹⁵⁸ T. L. Stevenson, 12 December 1918, WL: 7HLN/A/03

¹⁵⁹ WL: 7HLN/A/03, letter dated December 5 1918

¹⁶⁰ Chris Wrigley, 'Henderson, Arthur (1863–1935)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; Leventhal, F. M. *Arthur Henderson* 1989, Manchester University Press: Manchester.

¹⁶¹ Chapter 2.

¹⁶² WL: 7HLN/A/03

¹⁶³ Ibid

¹⁶⁴ 27 September 1918, WL: 7HLN/A/03

her aim to become a barrister, and stated that she wanted Normanton to be successful. She wrote: 'The women of England are not catered for in the laws man made at all or become the victims of unprincipled or amoral men.' She then told her own story of domestic violence, probable marital rape and her husband's refusal to provide her with money to feed her children and herself. She had been advised by a solicitor that there was no redress except to go to the High Court (which was too expensive) or to divorce him (she would not give him that freedom and that too would be too expensive). With no allowance from her husband, in desperation, she moved out of the matrimonial home with the children and relied on his food hand outs and her own ingenuity to feed and clothe them all. She was in her thirties. She ended the letter by urging Normanton to continue her fight and stop this kind of 'living torture' and 'slow murder.' How could Normanton possibly stop her struggle in the face of this need from other women? She bore not just a personal ambition but also a tremendous burden on behalf of others.

The second Bill: Women's Emancipation Bill¹⁶⁵

This was a private members' Bill, introduced by Labour MP Benjamin Spoor on 21 March 1919 and was promoted by the Labour party. In her papers, Normanton describes this as a 'radical' bill.¹⁶⁶ It was extremely wide ranging, proposing the enfranchisement of all women aged 21-30, that women be allowed to sit and to vote in the House of Lords, that all professional and judicial posts be opened to women and, finally, that women MPs be allowed to hold ministerial positions. It successfully passed all stages in the House of Commons, but was defeated by the

¹⁶⁵ HC Bill 38 (1919).

¹⁶⁶ WL: 7/HLN/A/01

introduction of the Sex Disqualification (Removal) Bill by the Government. Both Bills had their second readings¹⁶⁷ within days of each other.¹⁶⁸ However, the clauses on civil and judicial appointments in the Women's Emancipation Bill became incorporated into the Sex Disqualification (Removal) Act and became law.

Lord Buckmaster's Bill empowering women to become barristers and solicitors had successfully passed its second reading in the House of Lords by March 1919,¹⁶⁹ but this Women's Emancipation Bill was demonstration of the Labour Party's commitment to Normanton and to women by introducing their own Private Members' Bill.¹⁷⁰ It had the support of some feminist groups (they opposed the Sex Disqualification (Removal) Bill).¹⁷¹ The National Union of Societies for Equal Citizenship actively promoted the Emancipation Bill with deputations, processions and public meetings.¹⁷²

The Women's Emancipation Bill had its second reading on 4 April 1919. As Takayanagi comments, the tone of the debate on the second reading was sympathetic.¹⁷³ Seven MPs spoke in opposition and their main concern was the equal franchise; some felt this was too soon after the initial extension of the franchise. Twenty-seven MPs spoke over 67 columns of

¹⁶⁷ Second reading is when the principles of a Bill are considered

¹⁶⁸ There were no debates on the second reading of the Sex Disqualification (Removal) Bill.

¹⁶⁹ *Daily Mail* 'Women's Inn of Court' 18 March 1919.

¹⁷⁰ 21 March 1919, one of the three clauses was to remove the disqualification of women for holding civil or judicial appointments.

¹⁷¹ Smith, H. L. 'Sex versus Class: British Feminists and the Labour Party Movement 1919-1929', *The Historian* 47, 1984, p. 19.

¹⁷² Takayanagi, 2012, op cit, p. 70.

¹⁷³ Takayangi, 2012, op cit, p. 40.

debate which centred on women deserving the legislation because of their role in the war effort. They felt that women would bring additional qualities to the professions and to public life; that 'a woman matures much more quickly than a man' so they were more suited to these activities than men in some ways. Almost nothing was said in opposition to women becoming solicitors, barristers and Justices of the Peace; this was the least controversial part of the bill, at second reading and at all later stages in both the Commons and the Lords. The Women's Emancipation Bill passed the second reading? by 119 votes to 32.¹⁷⁴ Why did male MPs support it? Strachey commented that MPs 'hardly dared to vote against it, not knowing what their female constituents might have to say'.¹⁷⁵ Legal opinions seemed to be changing too. The Law Society passed a resolution: 'in view of the present economic and political position of women, it is the opinion of this meeting expedient that the obstacles to their entry into the legal profession should be removed'.¹⁷⁶ This was passed by 50 votes to 33. However, in the same month, the Benchers of the Middle Temple voted against opening the profession to women.¹⁷⁷ This was a clear sign that they were not prepared to open their doors without being forced by Parliament.¹⁷⁸

It then went before a Standing Committee on 14 May 1919 and was passed. Although there are no records of what was debated at that Standing Committee we know from the third reading of

¹⁷⁴ HC Deb 4 Apr 1919 vol 114 c1625-1628.

¹⁷⁵ Strachey, 1928, op cit, p. 375.

¹⁷⁶ Skordaki, E 'Glass Slippers and Glass Ceilings: Women in the Legal Profession' (1996) 3 *International Journal of the Legal Profession* 10.

¹⁷⁷ Middle Temple Scrapbook

¹⁷⁸ Middle Temple Scrapbook.

the Bill on 4 July¹⁷⁹ that no member of Government attended the Standing Committee and an amendment suggested by Sir Kingsley Wood, the Parliamentary Private Secretary to the Ministry of Health, deleting the clause on franchise extension was rejected by the Committee. At the third reading it was argued by the Government that the Bill had been badly drafted, but this was vehemently dismissed.¹⁸⁰ However, Major Astor, Parliamentary Secretary to the Ministry of Health, moved to delay the Bill because the government was about to introduce the Sex Disqualification (Removal) Bill in the House of Lords.¹⁸¹ He made clear that the franchise clause would not be included. The Women's Emancipation Bill then moved to the House of Lords under the name of Lord Kimberley. However, by this time, the government had introduced its own Bill as Major Astor had foretold. On the second reading of the Sex Disqualification (Removal) Bill, the Lord Chancellor verbally destroyed the Women's Emancipation Bill. It had its second reading in the Lords on 24 July, but the Lord Chancellor¹⁸² again destroyed it and the peers understood that only way forward was to go ahead with the Sex Disqualification (Removal) Bill.

Sex Disqualification (Removal) Bill

On 16 July 1919 Normanton signed the lease on the Mecklenburgh Square house for £265.¹⁸³ It is unclear how she could afford this. She obviously intended to put down permanent roots in London. A few days later Lord Birkenhead, The Lord Chancellor, on behalf of the government,

¹⁷⁹ HC Deb 4 Jul 1919 vol 117 c1307, Lt-Col Sir Samuel Hoare (Conservative).

¹⁸⁰ Ibid cc1336-8 Robert Cecil.

¹⁸¹ HC Deb 4 July 1919 vol 117 cc1283-1285, Major Waldorf Astor (Conservative). See Takayangi, 2012, p.54.

¹⁸² HL Deb 24 Jul 1919 vol 35 c 1047.

¹⁸³ WL: 7HLN/A/08

introduced the Sex Disqualification (Removal) Bill.¹⁸⁴ He used his speech again to systematically destroy the Emancipation Bill.¹⁸⁵ The government strongly opposed the Emancipation Bill because of fears about women working after marriage and competing in open exams for entry to the civil service. They felt that women should not enter on the same terms as men and that such work was incompatible with married life. It was also suggested that women became less efficient with age.¹⁸⁶

The Bill had two clauses, the first stating that a person would not be disqualified by their sex from exercising any public function, being appointed to any civil profession or vocation, (the civil service was excluded from this section) or serving on juries; the clause contained a proviso that a judge could use his discretion and exempt a woman from a jury by reason of the nature of evidence or issues contained in a specific case¹⁸⁷. The second clause was to allow women who inherited peerages the right to sit in the House of Lords in their own right. The Bill basically allowed women to join the professions, public offices and jury service.¹⁸⁸ The franchise clause of the Women's Emancipation Bill was absent. The Bill was later amended to include admission to incorporated societies.¹⁸⁹

¹⁸⁴ It had its second reading on 22 July 1919.

¹⁸⁵ HL Deb 22 Jul 1919 vol 35 c892, Lord Chancellor.

¹⁸⁶ War Cabinet Committee of Home Affairs 16 & 28 May 1919. TNA, CAB 26/1. HAC 28 16/5/19 item 6 & HAC 30 28/5/19 item 4.

¹⁸⁷ Takayangi, 2012, op cit, p.54

¹⁸⁸ Strachey, 1935, op cit, Strachey clearly felt that the Bill only opened up the legal profession to women, see p.375.

¹⁸⁹ Ibid, p.56

July 1919

This Bill demonstrated that the Government had no plans at this stage to extend the franchise or remove the marriage bar (although this was included in the legislation which passed). The Labour Party's Emancipation Bill was defeated on 24 July at its second reading in the House of Lords. Strachey commented that the unelected Lords did not have constituents.¹⁹⁰ The Emancipation Bill had been the Bill of choice for women's organisations. Their support can be seen from a letter of thanks sent by the London Society for Women's Service to MPs who voted for it.¹⁹¹ There was much regret for its failure because it was so comprehensive. However, for some, like Millicent Fawcett, the Sex Disqualification (Removal) Bill was welcome, as it was better than nothing.¹⁹² 'being half a loaf was better than no bread'.¹⁹³ Ray Strachey saw the Emancipation Bill as a chance to sweep away women's remaining disabilities.¹⁹⁴ She warned women that the Sex Disqualification Bill was a 'trap',¹⁹⁵ but all her attempts to have it amended were unsuccessful.¹⁹⁶

¹⁹⁰ Ibid, p. 375

¹⁹¹ Ibid, p. 70.

¹⁹² Thane, 2001, op cit.

¹⁹³ Takayanagi, 2012, op cit, p 71.

¹⁹⁴ Strachey, 1928, op cit, p.375.

¹⁹⁵ As recorded in the annual report of the National Union of Societies for Equal Citizenship in 1919 (of which Normanton had been the first general secretary in 1917, *ibid* n.2)

¹⁹⁶ Smith, H. L. (ed) *British Feminism in the Twentieth Century* University of Massachusetts Press, 1990, p. 52.

On 11 August a deputation of women was received by the Lord Chancellor. This had been arranged by Pippa Strachey¹⁹⁷ on behalf of the London Society for Women's Service¹⁹⁸ and other societies in order to discuss amendments to the Sex Disqualification (Removal) Bill.¹⁹⁹ It was attended by Lady Emmott (for the NCW), Emily Penrose (Principal of Somerville College, Oxford, for the Federation of University Women), Edith Major (Headmistress of King Edward VI High School for Girls, Birmingham, for the Headmistresses' Association), Ray Strachey and Olive King. The Lord Chancellor left before three other women had the opportunity to speak.²⁰⁰ Yet, his Permanent Secretary, Claud Schuster, had assisted Normanton in her appeal against her rejection from Middle Temple, which could not have been done without the Lord Chancellor's approval. The NCW urged the Government to make good its manifesto commitment to remove inequalities.²⁰¹

The Sex Disqualification (Removal) Bill completed its progress through the House of Lords on 4 August 1919. From there it went to the House of Commons where it had its second reading on 14 August. There was no debate. Its move to committee stage was delayed deliberately, probably a delaying tactic.²⁰² There were fears that it would be shelved. It finally went to

¹⁹⁷ 1872-1968, feminist activist and sister-in-law to Ray Strachey Barbara Caine, 'Strachey, Philippa (1872-1968)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹⁹⁸ This was originally the London Society for Women's Suffrage, but changed its name to the London Society for Women's Service in 1919. In 1926 it would become the London and national Society for Women's Service, Crawford page 356

¹⁹⁹ Takayanagi, 2012, p. 59

²⁰⁰ *ibid*, p. 60.

²⁰¹ *Ibid*.

²⁰² *Ibid*.

committee stage on 27 October 1919.²⁰³ Some amendments were passed, such as the clauses allowing women to become solicitors in 3 years if they had a degree (as men were) and giving universities the power to admit women to membership or degrees if these doors were not already open to women. The marriage bar in the Civil Service remained in what would become section 1(a), but, concerning other professions the words of clause 1 were amended to read: 'A person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial post, or from entering or assuming or carrying on any civil profession or vocation'. This removed the marriage bar from the legal profession and other professions outside the Civil Service.

By November 1919 it was clear that the Sex Disqualification (Removal) Bill would become law, so Normanton rang the Under Treasurer at Middle Temple (12 November) and asked to be admitted as a student. She received a letter later that day from the Under Treasurer informing her that, as the Treasurer was absent, he had spoken to the ex-treasurer who ordained that her admission 'must stand over until the Act actually become law'.²⁰⁴ Middle Temple were clearly not going to accept women until they absolutely had too. Again, this is another example of misogyny. Three days later the Press announced that she would be admitted before Christmas (she was described as having a 'considerable' reputation as a speaker and an authority on

²⁰³ Ibid

²⁰⁴ WL: 7HLN/A/05

constitutional law).²⁰⁵ They wrote to her on 19 December explaining that they had received a reference from Lord Robert Cecil which they had attached to her application which confirmed that her papers were in order. They informed her that the office would be closed from 24 December to 31 December.²⁰⁶

Victory

Finally, on 23 December 1919 all the effort by Normanton and other women came to fruition with the passing of the Sex Disqualification (Removal) Act 1919. Although Strachey had suffered disappointment about the Emancipation Bill, she was positive about this victory in the battle to enter the legal profession: 'one of the objects of the feminist societies for many years'.²⁰⁷ On the day the Bill passed into law Normanton received a letter from Middle Temple. The Under Treasurer, Major Henry Beresford Peirse DSO, had obviously relented and wrote:

'we are waiting in this office until five minutes past four today in case you should call. I was told the Royal Assent was to be given at 3pm today. In the event of you not calling I am giving you my private telephone number and address.'²⁰⁸

He continued that he was sorry to trouble her, but wished to cause as little delay as possible over this matter, as he appreciated that she would wish to have her application for admission

²⁰⁵ *Bulletin* 15 December 1918 'Admission to Middle Temple before Christmas'. There was also speculation in the *Daily Express* 16 December 1919 'Britain's First Portia: Miss Normanton expecting the Call' and the *Globe* 16 December 1919 'Women Lawyers Advent: Applicant's View'.

²⁰⁶ WL: 7HLN/A/05

²⁰⁷ Strachey, 1928, op cit, p. 375.

²⁰⁸ Ibid

to the Inn completed at the first possible moment. She must have gone to Middle Temple the next day, or, as Lang described it, ‘with characteristic promptitude’²⁰⁹ as her receipt was dated 24 December (the first day of the Inns Christmas holiday). Attached to this letter in her archives is a Middle Temple library card with the ‘Mr’ scrubbed out in ink and ‘Miss’ written in. There is also a receipt for £40. 7. 6 from Middle Temple (dated December 24 1919, presumably her membership fee) and a note to the chief porter, asking him to allow ‘Miss H Normanton’ into the Commons, signed T. F. Hewlett, also dated 24 December 1919.²¹⁰ Middle Temple probably contacted her because her original application form was allowed to stand.²¹¹ She was probably well known to the Treasury Office. This enabled her to become the first woman to join an Inn of Court. She had achieved the first stage of her ambition, admission to an Inn of Court, the only body that could call her to the Bar.

Normanton’s Belief

Normanton later believed that she had been instrumental in the passing of the Sex Disqualification (Removal) Act 1919, although there is no record of her involvement in the records at the National Archives or of the debates in the House. This belief is expressed in her letter to the BBC in October 1952 to Ian Jacob, Director General of the BBC:²¹²

²⁰⁹ Lang, 1929, op cit, p.164.

²¹⁰ WL: 7HLN/A/01

²¹¹ Polden, 2005, op cit, the other Inns also accepted women, after Normanton: Theodora Llewellyn Davies at Inner Temple 9 January 1920, Marjorie Powell at Lincoln’s on 16 January and Mary Selina Share Jones at Gray’s on 27 January 1920.

²¹² WL: 7HLN/A/08

‘I observe with immense surprise and sense of injury to my reputation in the RADIO TIMES for October 24th 1952, on page 20, a statement to the effect that the late Mrs. Ray Strachey ‘worked hard to bring about the reform’ i.e. the ones effected by the Sex Disqualification (Removal) Act 1919. That Act opened the legal profession and certain other functions as the magistrates and the jury to women Mrs. Strachey may, in common with many much greater figures in the Women’s Movement have spoken in favour of this and similar egalitarian reforms, but to ascribe to her any practical effectiveness in obtaining the above legislation is definitely contrary to the belief of the writer...’:

1. 1912 women attempted to open the solicitor’s profession up to women & failed.
2. 1913 the late Mr. Holford Knight, KC, MP moved a resolution of the Annual General Meeting of the Bar to open it to women, that failed.
3. In 1918 when women were enfranchised HN applied to the Bar within 24 hours and was refused on the 23rd Feb 1918.
4. Personally presented and lodged with the four Inns of court and every High Court Judge a petition appealing against the refusal of the Benchers of the Middle Temple. The whole bench of England sitting together constitutes the Tribunal for an appeal from an Inn of Court. It was admitted by the proper authority that I was entitled to be heard by that Tribunal.’

Further, she wrote,

‘The Govt in power, Mr Lloyd George being premier, decided to obviate such serious interruption of the business of the Courts by facilitating legislation to open the legal profession to women, and the writer was requested to attend the Office of the Crown in

Chancery and asked if she would withdraw her petition upon formal promise of legislation to open the legal profession to women. The negotiations were embodied in a statement of that high official, in his own handwriting, which document the writer still treasures in her possession. It runs:-

‘The hearing of Miss Normanton’s appeal from the decision of the Benchers of the Middle Temple may be expected to be heard somewhere near the end of March (i.e. 1919), unless some definite statement of the intention of the Government to deal by legislation with the admission of women to the Bar has been made by them She was again called to the House of Lords and the vital first clause of the Bill was drafted in her presence. She then consented formally to the withdrawal of her appealThe Sex Disqualification (Removal) Act Bill was then passed through the usual stages in Parliament, but during its course, which was quite tranquil, the National Council of Women held its annual Conference at Leicester and amongst other business requested facilities for the Bill. This in the circumstances amounted to the usefulness of a fly settling on a coach wheel. But Mrs. Strachey did, in fact, second that resolution. That is the sum total known by the writer of the ‘work’ for the Act done by Mrs. Strachey. It would have been enacted had she never existed.’

In this letter she also mentioned that she had written a book on the passing of the legislation and that no one had ever mentioned to her that she had wrongly omitted Ray Strachey’s name. She said that the book’s every word had been scrutinised by ‘the General Secretary of the Bar and all the organs of the legal profession’, but a detailed search has not found such a

publication.²¹³ There is no corroborative evidence to support this assertion despite a careful examination of her literature and archives. She undervalues the campaigning of NUSEC and other women's organizations and overstates her own role. And the clause admitting women to the legal profession was not the whole of the Act.

Conclusion

By 1919 Normanton had become the first woman to be admitted to an Inn of Court. This finally enabled her formally to pursue her girlhood ambition of becoming a barrister. Later in life Normanton clearly believed that she had not been accorded the proper credit for the passing of Sex Disqualification (Removal) Act 1919 or the admission of women to the legal profession. Clearly she played a role, but there were other players too. She was extremely influential through her membership of organisations, public speaking and her application to Middle Temple. But she was part of a movement, not the sole player. Certainly her 'first' in becoming a member of an Inn of Court made her a figurehead for the campaign for women lawyers. It also made her a personality on whom the press, lawyers and public would focus in the coming years when viewing women's burgeoning legal careers.

Some historians, such as Smith, comment that feminist achievements in the inter-war period were insignificant²¹⁴ and that successes achieved were the result of non-feminist forces, but

²¹³ An example of my search can be seen from examining the British library catalogue – there is no such publication:

[http://explore.bl.uk/primo_library/libweb/action/search.do?dscent=1&tab=local_tab&dstmp=1370701876737&vl\(freeText0\)=Helena+Normanton&fn=search&vid=BLVU1&mode=Basic&fromLogin=true](http://explore.bl.uk/primo_library/libweb/action/search.do?dscent=1&tab=local_tab&dstmp=1370701876737&vl(freeText0)=Helena+Normanton&fn=search&vid=BLVU1&mode=Basic&fromLogin=true)

²¹⁴ Smith, H. 'Sex versus Class: British Feminists and the Labour Movement, 1919-1929' *The Historian* Vol 47, Issue 1, pp19-37, Nov 1984.

this is highly questionable.²¹⁵ The government had many other priorities in 1919 including the end of the Great War, returning soldiers, problems in Ireland and India yet they were persuaded to give up Parliamentary time to consider the question of women's equality.

Women, such as Normanton, played their parts as individuals and as members of women's associations, pushed for change, and collectively achieved success: among other achievements, they could enter professions from which they had previously been barred.

²¹⁵ Smith, H. L., op cit, 1990, p. 19.

Chapter 4

After Admission

'A woman on the Woolsack is another contingency the mediocrally-minded must brace themselves to face, for since the passing of the Sex Discrimination (Removal) Bill our first woman barrister-to-be has become a reality in the person of Miss Helena Normanton, who jokingly remarked that she goes to the House of Lords 'to study the correct deportment for the Woolsack' but added that she does not think she can 'hope to emulate the present occupant.'¹ But there is, it seems, no reason why women should emulate the manner of men in politics or law. Provided they are 'in order', let us hope that women will introduce something new and invigorating into both these ancient professions.' *The Gentlewoman* 27 December 1919.²

Triumph

The Gentlewoman's comments reveal that the New Year of 1920 brought much hope and optimism to many women. There are no records of where Normanton spent Christmas 1919, or with whom, but it may have been the most exciting and hopeful time of her life. She was possibly full of trepidation too: joining an Inn of Court was just the beginning of her journey to becoming a barrister. She would now have to complete the Bar exams, dine at Middle Temple,

¹ The woolsack was the seat of the Lord Chancellor (a lawyer) who was, in 1919, the Lord Speaker in the House of Lords. This changed with the Constitutional Reform Act 2005, when the first person to be voted as the Lord Speaker was a woman, Baroness Hayman.

² 27 December 1919, *The Gentlewoman*, p.1029

find chambers and procure work in the forms of briefs (which entailed forming relationships with solicitors). She would also have understood that the prejudice she experienced on trying to enter an Inn had not instantly disappeared. Would the Bar live up to her childhood dream and expectations? This chapter will concentrate on the immediate aftermath of her admission to Middle Temple.

The Press reports

The *Gentlewoman* article quoted above was the outcome of just one of a round of interviews Normanton apparently gave to the press after her admission. These articles are noteworthy because they provide a picture of how women's entry to the Bar was received. Given Normanton's high profile feminist campaign before the Sex Disqualification (Removal) Act 1919 there was likely to be much Press interest. However this interest came with a price, for she was accused on several occasions of self-publicising (a disciplinary offence at the Bar).

Three days after Christmas, Normanton is reported to have given an interview to the *Evening News*³ where she described how she had longed to be a barrister since she was 19 years old⁴ and had considered becoming naturalised as a French citizen so that she could practise there. This may not have been an idle comment as she spoke good French for the purposes of teaching and had spent time in Dijon studying for a diploma. Women in France had been able

³ 28 December 1919, *The Evening News*.

⁴ This is perhaps a misquote as her book, *Every Day Law For Women*, says that she was 12, see Chapter 1, or possibly the interview was a fabrication, as Normanton must have been aware of the etiquette of the Bar and its rules on self-publicising.

to enter the legal profession from December 1900.⁵ She was expressing the sentiment that England was slow to admit women to the legal profession and that she was determined to become a barrister. Her commitment to feminising the law is apparent in her reported comment that ‘Women often say that they cannot get a man lawyer to understand what their real grievance is. Something has gone wrong with their marriage and they are not able to convince a man as to the cruelty of the case...’ However she was quick to comment that ‘I do not mean to confine myself to women’s cases.’⁶ This highlighted the dilemma at the heart of her campaign and subsequent career: while part of the argument for admitting women was that they would bring something different to the law, at the same time they were forced to defend themselves against charges that they were incapable of thinking legally and acting as disinterested professionals as men were presumed to do. We saw in chapter 2 that she did not want to pigeon-hole herself as a specialist only in family law cases. She hoped she would have a choice of cases and that she could bring about real and much needed change to the legal profession. We also in chapter 2 that the feminisation of the law is the subject of academic debate still today. Other than the above interview we have little information of to what extent Normanton wished to feminise the law.

⁵ Olga Balachowsky-Petit became the first woman to practice, see Clark, L. *Women and Achievement in Nineteenth-Century Europe* Cambridge University Press, 2008, p. 227.

⁶ In reality women barrister’s careers were often restricted to crime and family work. They did not manage to move into more lucrative commercial fields of law for some time, see Polden, P. ‘Portia’s Progress: Women at the Bar in England 1919-1939’ *International Journal of the Legal Profession*, 293-335, p. 320.

Although there were many newspaper reports expressing hope and optimism, some were more cautious, such as that in another report in the *Evening News*.¹⁵ They reported that Normanton had taken her first step to becoming a barrister and predicted that she would achieve this,¹⁶ but poignantly asked ‘what success will come to these ladies?’ and questioned whether they would get work. Would clients want them? These questions became the critical issues for women barristers until the 1960s and are particularly relevant to Normanton’s legal life.

There was some confusion in the Press as to who exactly was the first woman admitted to an Inn. The *Daily Chronicle*¹⁷ reported, wrongly, that the first woman to join an Inn of Court was Mrs Gwyneth Thomson.¹⁸ This mistake by the ‘London papers’ was keenly corrected by the *Manchester Guardian*.¹⁹ They stated that the ‘honour goes’ to Helena Normanton ‘who has fought the battle against the entrenched powers of the legal profession so resourcefully and steadily for years and has so much to do with the final victory... There is no doubt as to her historical position as the first woman law student’. They commented that she was noted for her ‘militant feminist campaign’. It is interesting that they characterise it in this way because, although her politics were indeed militant, her tactics were not: she used the formal procedures of the Inn, liaised with government officials, and lectured at public meetings.

¹⁵ 30 December 1919, *Evening News*.

¹⁶ They do not forget the women who tried and ‘failed’ before Normanton and indeed list them: Bertha Cave (1903 application to join Gray’s), Miss Victoria Poulton, Miss Jane Cormack, and Mrs Weldon.

¹⁷ 30 December 1919.

¹⁸ She was the former Miss Bebb of the *Bebb v Law Society* [1914] see Ch 2.

¹⁹ Tuesday 30 December 1919.

Perhaps this was a reference to her views rather than her methods, or to the aim of her campaign.

Despite the Sex Disqualification (Removal) Act 1919, and Normanton's admission to an Inn of Court, the Press still found it necessary to justify women's new found status. The *Evening News*²⁰ cited two examples of women acting as litigants in person. Firstly Miss Lind²¹ (an anti-vivisectionist) brought an action for libel.²² The newspaper reported that she made an opening statement lasting nine and a half hours and a closing speech of three and a half hours.

Although she lost her case, the judge (Lord Bucknell) said she cross examined as well as any other counsel, her final speech was a fine one, and she was a woman of 'marvellous power'.

Likewise, they mention Miss Emily Mary Howe, who, they report, argued her case in 1907 and won £25 damages, making a two and a half hour opening speech. Why they focused on the length of the speech is mystifying. Length does not necessarily equal quality.

Similarly, the *Daily Chronicle*²³ found it necessary to argue that, if women could vote, there was no justification for denying them the right to plead in court. They stated that a certain number of women barristers was highly desirable, just as a certain number of women doctors were

²⁰ 30 December 1919, *Evening News*.

²¹ M. A. Elston, 'Lind-af-Hageby, (Emilie Augusta) Louise (1878–1963)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004. The trial to which they refer was in 1913 when she brought an unsuccessful action against Dr C. W. Saleeby (1878–1940), a prominent eugenicist and temperance campaigner who, she alleged, had accused her of being 'a systematic liar' in her campaign against vivisection. The *Nation and Athenaeum* Vol 13, 1913, p. 127 described her advocacy as 'brilliant'.

²² Words said against her in her anti-vivisection work

²³ 30 December 1919.

needed, and remarked that 'exclusion is unthinkable'. However, from the tone of the article, they appear to have believed that women were only good for certain types of case, such as those concerning divorce and the family.

Normanton clearly enjoyed the attention (we shall see in chapter 5 that this would not last). She took newspaper space, prominently on the front page of the *Observer* on 4 January 1920,²⁴ to thank her supporters.²⁵ The same paper reported a recent meeting in East London where Normanton had spoken. On being heckled by a male member of the audience, she demanded he stay and have his say because 'he never gets a chance at home, his wife never lets him.' Unsurprisingly the man left.

Congratulations

Letters of congratulation abounded. Her archives contain a telegram from the National Federation of Women Teachers congratulating her on her entry as a law student;²⁶ they also mischievously sent one to the Benchers of Middle & Lincoln's Inn²⁷. Congratulation letters also came from the National Federation of Women Teachers (as well as the telegram), The Voters' Council, The British Patriotic League, the National Union of Societies for Equal Citizenship, from male barristers and French lawyers, the LCC Women Teachers' Union, the Women's Freedom

²⁴ *The Observer* 4 January 1920.

²⁵ The wisdom of such an action is questionable. Although she was not a barrister yet, barristers were constrained by a strict code of conduct that prevented them from any form of 'self advertising'. Such an advertisement could not have been viewed as sensible and risked exposing her to later allegations.

²⁶ 30 December 1919, WL: 7HLN/02

²⁷ *The Woman Teacher*, 9 January 1920.

League, her past school students, the House Captain from Tollington High School, and from friends.²⁸ Strangers wrote from the UK and the USA not just to congratulate her but also to thank her.²⁹ Her archives also contain affectionate congratulation letters from her future father-in-law to be.³⁰ This was a time of high celebration.

Her first dinner

The reality of her success was evident on 11 January 1920³¹ when Normanton was formally admitted to eat her first dinner at Middle Temple. She had three guests, Wells Thatcher³² her Pupil Master (a specialist in divorce and criminal law), Holford Knight³³ (her friend and advocate of women barristers) and Hubert Sweeney (a barrister and proponent of women barristers and women's rights).³⁴ On a handwritten dining card her menu is listed as pea soup, followed by roast mutton, vegetable curry, plum pudding, then cheese. On the back of her menu is written a poem of hope by Wells Thatcher:

²⁸ WL: 7HLN/A/06

²⁹ Ibid

³⁰ Ibid

³¹ On the same night Mrs Thomson (Ms Bebb) also had her first dinner at Lincoln's Inn, where she too was treated well, see Auchmuty, R. 'Whatever happened to Miss Bebb? *Bebb v The Law Society* and women's legal history, *Legal Studies*, Vol. 31 No. 2, June 2011, pp. 199-230, p. 224.

³² He is listed in the London phone directories as being in chambers at 5 Essex Court in 1920, p.725 (records show him at this address from 1912-1926 and then he is no longer listed).

³³ Ch 2.

³⁴ Hubert Sweeney was a barrister at 1 Plowden Buildings. He had been a teacher in a London Board School before joining Middle Temple. In 1906 he was chosen to contest (unsuccessfully) Wigan for the Lancashire and Cheshire Women Textile and Other Worker's Representative Committee: Crawford, Elizabeth. *The Women's Suffrage Movement in Britain and Ireland: A Regional Survey* Routledge 2006 and Liddington, J & Morris, J. *One Hand Tied Behind Us: The Rise of the Women's Suffrage Movement*, Virago 1978.

*This is the night within this regal place
When first hath beamed an able woman's face;
First since the spacious far off Tudor days
When England's Queen attended Jonson's plays.
Today the woman student breathes our air
With highest hopes that winds may set for fair.*³⁵

The *Daily Express* reported on this dinner the following day³⁶ stating that, for the first time since Queen Elizabeth I, a woman had been allowed to dine at Middle Temple. They related how a female representative of the newspaper was mistaken for Normanton and given a seat near a blazing fire in the male robing room. The reporter was eyed with 'curiosity and interest' by the men changing into their gowns. She was then given a gown, but when she attempted to enter the dining hall, was stopped for not having a valid card.

The *Daily Express* report also featured an interview with Normanton in which she gave an account of the evening. How much of this report was based on her actual words is questionable. As we shall see in later chapters, Normanton complained that the Press concocted stories about her. She was reported to have said that she enjoyed the dinner as much as a 'debutante enjoys a first ball', and that Elizabeth I did not behave as well as she did (it was not clear in what respect). Normanton, the *Daily Express* wrote, was most impressed by the wonderful grace when dinner began and the procession of Benchers. Her meal was not

³⁵ WL: 7HLN/A/03 Loose items from scrapbook 2 of 2. Also reproduced *Daily Mirror* 12 January 1920 'Verse in her Honour'.

³⁶ *Daily Express* 12 January 1920.

without incident, as she was almost fined a bottle of wine for speaking to someone in the next mess. She evaded the penalty on account of the 'leniency afforded to my sex'. Barristers sat in groups of four (a 'mess') and one mess was forbidden from speaking to another. However, this did not spoil the enjoyment of her evening as many in the dining hall congratulated her.

Normanton is likely to have been moved by the sense of occasion and its significance. The historical implication of her dinner would not have been lost on her.

A separate table whilst dining?

Normanton had been adamant that she did not want a separate Inn of Court for women.

However, there is an indication in Normanton's archives that she was keen for women to have a separate table when dining. This is indicated by a letter to Normanton from fellow Bar student, Monica Geikie Cobb,³⁷ politely stating that she understood that Normanton wished to have a separate table for women when dining at Middle Temple. Cobb explained that she had dined with six other female students and they were unanimous that they did not want any such action. She wrote that they all felt grateful for the consideration shown to women students and wished to fall in with the arrangements that were made 'for us'. Nothing in Normanton's archives supports this 'understanding' that she wanted a separate table. She had perhaps mentioned it as a possibility. If so, why? Did she feel uncomfortable or unwelcome? Patrick Polden³⁸ refers to various incidents where women were made to feel uncomfortable when dining: 'Hannah Cross found Lincoln's chilly' and she learned not to sit on 'smart tables', as it

³⁷ Letter dated 19 January 1920, WL: 7HLN/A/17. Geikie Cobb would go on become the first woman to hold a brief, Lang, E. *British Women in the Twentieth Century* T Werner Laurie 1929, p.166.

³⁸ Polden, P. 2005, op cit, p322

was complained about. Polden also mentioned how, in Middle Temple, some members found it 'amusing' to take their snuff in a way that would make 'Dorothy Lever sneeze'. He recounts how Gray's Inn was supposed to have welcomed women, yet their Treasurer denounced women members after taking too much wine.³⁹ There is no record of a reply by Normanton to Geikie Cobb.

The number of women entrants to an Inn of Court

The *Manchester Guardian* reported at the end of January 1920⁴⁰ that almost a score of women students had joined an Inn of Court. The newspaper insisted that more than half of these women had been influenced by the 'pioneer', Miss Helena Normanton. What was their evidence? We do know that, in 1920, Middle Temple admitted the largest number of women: 33.⁴¹ The other three Inns only admitted 13 women altogether. The percentage of women entrants was 5.6%. The percentage then remained between 2.9 and 4.8 until World War II. Total numbers of entrants each year never exceeded 27 (in 1924) and fell to a low 16 in 1933. Between 1920 and 1939 only 428 women were admitted to an Inn of Court,⁴² amounting to just 4% of all admissions.⁴³ As we saw at the beginning of chapter 3, England and Wales⁴⁴ was

³⁹ *ibid*, p.322.

⁴⁰ 31 January 1920 *Manchester Guardian*

⁴¹ Polden, 2005, *op cit*, p. 295

⁴² *Ibid*

⁴³ *Ibid*

⁴⁴ Ireland called its first woman to the Bar in November 1921, Frances Kyle and later that day Averill Devereil was also called and went on to become the first woman to practice at the Bar. Bar Council of Ireland:

<http://www.lawlibrary.ie/viewdoc.asp?fn=/documents/aboutus/history/default.htm&m=2#chap21>. Margaret Kidd would become the first

significantly behind several other countries in permitting women to practise.. This fact was not lost on the Press, the *Daily News*⁴⁵ reported that 36 American Law Schools had admitted women and there were at least 20 000 women attorneys in the US. Australia had two women barristers. There were 30 women advocates in France, 48 in Holland, 11 in Norway.⁴⁶

The acceptable face of the female Bar student

In February 1920 we have a rare description of Normanton in a newspaper.⁴⁷ She was interviewed by the *Christian Science Monitor*,⁴⁸ which stated that the reporter felt trepidation about interviewing her, because he feared that she would be ‘unapproachable and terribly intellectual.’ Apparently these fears disappeared as soon as the reporter met her and found her ‘no dry scholar but a woman tolerant and kindly, an avowed optimist, who looks at the world with a friendly eye and not above confessing to a fondness for detective novels’.

Normanton apparently told him that she came from a very old legal family, since she was a direct descendant from Alice de Montacute who in the Middle Ages presented a case concerning the right of women to enter the Privy Council and won. This may have been true though she appears to have been both appealing to the American taste for antiquity and creating a women-centred legal history. This article offers some interesting insights: she is

member of the Scottish Bar in 1923 Isobel Anne Poole, ‘Kidd, Dame Margaret Henderson (1900–1989)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

⁴⁵ *The Daily News* March 1919

⁴⁶ March 1919, see Lady Lowry QC, *A Brief History of Women at the Bar* Association of Women Barristers Winter/Spring 2004

⁴⁷ 13 February 1920, *The Christian Science Monitor*, Boston, USA, ‘Views of English Woman Barrister’. We cannot be certain that this report is reliable.

⁴⁸ This was the publication of an international Christian news organisation.

described as posing no threat to the status quo. She is characterised as slightly eccentric, perhaps implying that only eccentric women wanted to be barristers, hence there was no danger of an influx of women Bar students.

Celebration dinners

There were dinners to celebrate the women's victory. On 19 January 1920 there was a dinner at the New Minerva Club⁴⁹ 28 Brunswick Square, London, WC1, where the Women's Freedom League celebrated women's admission to the Bar and, in particular, that of Helena Normanton.⁵⁰ Fifty people sat down to dinner and were waited on by fellow members and friends. Toasts were proposed to Normanton by Mrs Schofield Coates,⁵¹ Mrs Mustard⁵² and Holford Knight,⁵³ and Normanton responded, together with Wells Thatcher⁵⁴ and Janet

⁴⁹ This was a residential club founded in 1920 by the Women's Freedom League. Prior to this the WFL had run a cafe at its headquarters in Holborn, which provided lunches and lectures. The lease on the club was purchased by Dr Elizabeth Knight and maintained by her until her death in 1933. Membership was open to both men and women who had sympathy with progressive thought. It was to become the rallying point for the extension of the franchise movement, therefore it attracted suffrage sympathisers. It also provided vegetarian food which maintained a link between vegetarianism and the suffrage movement. The club closed in 1962. For a more detailed account see Crawford, 2006, p. 125.

⁵⁰ Reported in *The Vote*, 20 February 1920.

⁵¹ WL: 8SUF/B/042, 8SUF/B/041 and 8SUF/B/153. Alice Schofield-Coates (1881-1875) was a prominent suffragette and Women's Freedom League volunteer. She had been force fed and forcibly removed from the railings of the House of Commons for failing to leave. She was an activist who had addressed suffragette meetings with Mrs Pankhurst. Later she ran a vegetarian restaurant and became a councillor working for teacher's rights.

⁵² The only reference to Mrs Mustard can be found at the Special Collection at the WL: 7AMP/0/074. This consists of a photograph of a 'committee' photograph in which she is photographed with others at Caxton Hall (a central location for the WSPU). She was presumably a suffragette and women's rights worker.

⁵³ George Wilfred Holford Knight 1877-1936, Barrister and Labour MP for Nottingham South 1931-1935. Author of *Oxford Dictionary of National Biography*, Oxford University Press 2013

⁵⁴ Normanton's pupil master

Gibson.⁵⁵ Normanton's speech referred to the roll of great women who had fought for women's freedom in the past and the great deeds which had been accomplished, alongside which their present-day efforts seemed very small. She was reported to have spoken of the 'real humility and sense of responsibility' with which she and other women in the Inns of Court were facing their new careers. This was probably more than a rhetorical device: she is likely to have felt victorious but also burdened with the expectations of others. Her friends remained supportive throughout her career, but they had high expectations. A letter (addressed to 'Hellie') from Wells Thatcher in 1921⁵⁶ stated that he thought she would make a good living at the Bar and success was assured for her, but that once she was called, she would have to forsake everything else for the practice of law. Sadly for Normanton, along with the majority of women barristers, as we will see, this was never the case, largely due to discrimination.

The House of Commons was the venue for the formal dinner⁵⁷ to celebrate the passing of the Sex Disqualification (Removal) Act 1919 on 8 March 1920.⁵⁸ Guests enjoyed oysters, trout, mutton with peas and croquette potatoes, chicken casserole, salad, *poires belle Helene*, and dessert.⁵⁹ The dinner was organised by the Committee to Obtain the Opening of the Legal Profession to Women, by Mrs Ray Strachey as hostess and Mr Jack Hills MP as Chair.⁶⁰ Amongst

⁵⁵ Janet Gibson is listed on the 'Roll of Honour of Suffragette Prisoners 1905-1914', WL: 7LAC/2.

⁵⁶ WL: 7HLN/A/01 Scrapbook. Letter dated 14 January 1921.

⁵⁷ Reported 9 March 1920 in both the *Evening News & Evening Mail*.

⁵⁸ Although it is referred to this as a banquet in Auchmuty, 2006, op cit, p. 224.

⁵⁹ WL: 7HLN/A/02

⁶⁰ He was lawyer, Conservative Unionist MP and loyal friend of the women's organisations. E. H. H. Green, 'Hills, John Waller (1867-1938)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004. Hills had played an important role in the passing of the Sex

the guests were Lord Chief Justice, Lord Reading; the Solicitor General, Sir Ernest Pollock;⁶¹ the Attorney General, Sir Gordon Hewart;⁶² Viscount Haldane;⁶³ Lady Rhondda,⁶⁴ Mrs Fawcett;⁶⁵ Crystal Macmillan,⁶⁶ the President of the Law Society, Thomas Liddle; the President of the Divorce Court, Sir Henry Duke;⁶⁷ Cecil Chapman, representing the London Magistrates,⁶⁸ (a supporter of women's suffrage,⁶⁹ described as 'a magistrate of impeccable feminist credentials');⁷⁰ Mr Withers of Withers, Benson, Birkett and Davies, the solicitors who had

Disqualification (Removal) Act 1919, see Takayanagi, Mari Catherine, *Parliament and Women, c.1900-1945* University of London, Kings College, Ph.D 2012, p61 (he was responsible for a clause that allowed universities to admit women to membership and degrees), p62 (he wanted to remove the marriage bar) and p64 (he wanted full equality for women).

⁶¹ Frederic Wrottesley, 'Pollock, Ernest Murray, first Viscount Hanworth (1861–1936)', rev. Alec Samuels, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁶² Robert Stevens, 'Hewart, Gordon, first Viscount Hewart (1870–1943)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁶³ H. C. G. Matthew, 'Haldane, Richard Burdon, Viscount Haldane (1856–1928)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁶⁴ Deirdre Beddoe, 'Thomas , Sybil Margaret, Viscountess Rhondda (1857–1941)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁶⁵ Janet Howarth, 'Fawcett, Dame Millicent Garrett (1847–1929)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004;

⁶⁶ Lang, 1929, p.165. Chrystal MacMillan was an executive member of the National Union of Women's Suffrage Societies and one of the first female barristers.

⁶⁷ Sankey, 'Duke, Henry Edward, first Baron Merrivale (1855–1939)', rev. H. C. G. Matthew, *Oxford Dictionary of National Biography*, Oxford University Press, 2004;

⁶⁸ *Scotsman* 9 March 1929

⁶⁹ Chapman was a supporter of women's suffrage from his student days (Cecil Chapman, *The Poor Man's Court of Justice: Twenty-five Years as a Metropolitan Magistrate*, London: Hodder and Stoughton, 1925, p 58). He was chairman of the Men's League for Women's Suffrage, although he eventually gave up this position in order to remain a magistrate following Home Office intervention (John, A. V, 'Between the Cause and the Courts: The Curious Case of Cecil Chapman' in C Eustance, J Ryan and L Ugolini (eds), *A Suffrage Reader: Charting Directions in British Suffrage History*, Leicester: Leicester University Press, 2000, pp 145-161).

⁷⁰ Hall, L. *Sex, Gender and Social Change*, Palgrave MacMillan, 2012, p 102. Indeed, throughout his career as a magistrate he sought to forward women's interests including through public speaking and publications on women and law. His other political role was serving as a Conservative

briefed Miss Bebb's barristers; Nancy Nettleford, Gwyneth Thompson (nee Miss Bebb); Karin Costelloe; Maud Ingram;⁷¹ and Normanton (as well as others).

The Guest of Honour was the Lord Chancellor, Lord Birkenhead. He congratulated Mrs Fawcett upon the success of her life's work and said that she 'was entitled to regard herself as driving in a victorious chariot over her victims'. He spoke of the great ability that he had seen in the female clerks in the Law Courts and how he had tried to persuade his daughter that the law was the career for her, but she wanted to be a movie star.⁷² This is very different man from the one who left early from the meeting with the deputation led by Pippa Strachey⁷³ (although he may have had a genuine reason for leaving that meeting early). His sentiments were echoed by Lord Reading⁷⁴ who spoke of his anticipation of the time when women would plead in his court. Crystal Macmillan is reported by Lang⁷⁵ to have proposed the toast of the Scottish Bar as the Lord Advocate was 'unavoidably absent'. Mrs Thomson proposed the toast to the Bar of England and Wales;⁷⁶ the Attorney General, Lord Birkenhead, responded, stating that he had always supported women entering the professions. Ray Strachey gave the closing speech in which she recalled the history of the movement to open the legal profession up to women. A

councillor for Chelsea on London City Council between 1896 and 1898 (*Who Was Who, 1929-1940*, second edition, London: Adam & Charles Black, 1967, p 239).

⁷¹ Auchmuty, 2006, op cit.

⁷² Ibid

⁷³ Ch 3.

⁷⁴ Lord Chief Justice until 1921 and had led the prosecution case in *R v Seddon* 1912 (fly paper poison case).

⁷⁵ Lang, 1929, op cit.

⁷⁶ *Manchester Guardian* 9 March 1920.

fund was proposed by Jack Hills for women to read for the Bar and £150 was subscribed on the spot.⁷⁷

The papers reported that the 'leading lights of the law' were in attendance, welcoming the 'fledgling Portias'.⁷⁸ The *Evening Mail* took the opportunity to reflect on women's new opportunities. It argued that many women would never have a chance to fulfil their role as wives and mothers, and it was necessary on purely economic grounds to open new avenues of employment to them. The article stated that the chief argument put forward against admitting women to the law was that they were not fitted by nature to succeed at it, but that remained to be seen, since they were now given the opportunity to compete with men on equal terms. The *Evening Mail* also addressed the fear that the Bar would be swamped by women, pointing out that this had been disproved in France: '[T]he fact is that in the present state of the world, at any rate, it is only the exceptional woman who wishes to be a doctor or a lawyer, and it has been recognised that to keep these ladies standing on the doorstep was neither polite or complimentary to the men who might be supposed to fear their competition... After due experiment each sex will settle down to the work for which it finds itself best fitted, while the brilliant exceptions of both will have a fair chance.'⁷⁹ There was no mention of the prejudice that women would have to overcome to succeed.

⁷⁷ Lang, 1929, op cit.

⁷⁸ Reported 9 March 1920 in both the *Evening News* and the *Evening Mail*.

⁷⁹ Reported 9 March 1920 *Evening Mail*.

Women Bar students

The celebrations over, women Bar students needed to focus on their Bar Finals in order to be called to the Bar and practice law. Normanton studied for these exams in 1920. She needed to sit the bar finals. We saw in Chapter 3 that these exams were organised by the Council of Legal Education (CLE).⁸⁰ The CLE teaching staff consisted of six Readers, four Assistant Readers, and two lecturers.⁸¹ It was only since 1872 that Bar students were required to take compulsory examinations.⁸² The Inns did not co-operate with Universities in the training of lawyers and there was a distinction between the way law was studied as an academic subject in University and as a practical subject at the CLE. The Bar Examinations consisted of two parts:⁸³ Part 1 had four sections: (I) Roman Law, (II) Constitutional Law and Legal History, (III) Contract and Tort, and (IV) Real Property or Hindu and Mohammeden Law or Roman-Dutch Law. From 1891, law graduates who had passed Roman law at university were exempt from this subject at the CLE and from 1910 law graduates only needed to sit for the criminal law, real property law and a separate part II exam.⁸⁴ Part II was in six sections: (I) Criminal law, (II) Common Law (Specialist subjects), (III) Equity, (IV) Company Law and either Conveyancing or Special subjects in Hindu Law, or Mohammeden Law or Roman-Dutch Law, (V) Evidence and General Procedure and (VI) General Paper. All sections were compulsory for non-law graduates. All sections had to be sat at once, after the students had kept 6 terms (i.e. dined in Hall the requisite number of times).⁸⁵

⁸⁰ Ch 3.

⁸¹ Abel, R. L. *The Making of the Legal Profession 1800-1988* 1988 Beard Books, 1998, p.50.

⁸² Gower, L. C. B, 'English Legal Training: A Critical Survey, 13 *Modern Law Review* 137-140, 2009.

⁸³ Information kindly supplied by Theresa Thom, Gray's Inn and Guy Holborn, Lincoln's Inn.

⁸⁴ Ibid and Abel, 1998, op cit, p.41

⁸⁵ Abel, 1998, op cit.

Few English students attended the lectures offered by the CLE, most opting instead for private crammers, correspondence courses etc (the most popular was Gibson and Weldon).⁸⁶ It was said that a law graduate could pass at a reasonable standard on six weeks' work, though a non-law graduate was likely to need more time.⁸⁷

There appears to be only one primary source describing everyday life for a woman Bar student in 1921. This was written by Robina Stevens, in the form of a diary.⁸⁸ Robina was just 17 when she joined Gray's Inn in 1920, straight from school. She was the daughter of a solicitor from Swansea. Although the diary extract is brief and domestic in tone, it highlights the hard work and focus that the Bar student needed. Robina did not refer to the lectures delivered by the CLE, but refers to studying in the Inn. This may be a reference to those lectures as they were delivered in all the Inns, including Gray's. Her teaching seems to have come mainly from an institution called 'Law Notes' which was both a library and a teaching establishment.⁸⁹ Robina scored a first class in all her Part I exams and certificate of honours in the Finals. She had to wait until she was 21 to be Called, in 1924. She married in 1927 and gave up her career to be a wife and mother.⁹⁰

Robina's diary described the constant hard work of completing practice papers for the exams. Her life revolved around studying. In the published extract she referred to three other

⁸⁶ *ibid*

⁸⁷ *ibid*

⁸⁸ Although the diary is now missing (private information), there is an extract from the diary in GRAYA, No. 89, pp 39-41.

⁸⁹ Abel, 1998, *op cit*.

⁹⁰ *Ibid*, p. 39

students, firstly, a man called Fielding, who is 'down on women barristers'. Next, a Mrs Jones (probably Mary Selina Share Jones, the first woman to join Gray's Inn on 27 January 1920⁹¹) with whom she lunched, but she disparaged Jones's lack of work. Lastly she refers to an unnamed woman aged 23 who had just joined the Inn: 'I am so glad that some other ladies are young'.⁹² For Robina, Normanton at 38 must have seemed very old.⁹³

Robina did not focus on discrimination, but she wrote:

'April 21st 1921-I feel so dissatisfied with this exam. Worked all the morning and went along to the library in the afternoon. Much better plan as I don't waste lunchtime. Mr Fielding was up in library and told me that an article had been written in the Daily Express in which he is down on women barristers. That boy is a young fool. I went up to the Common Room for tea.'

She was probably used to, and expected, such discrimination. Normanton noted on her CV⁹⁴ that in her Part I exams she achieved a first class in Constitutional Law, second class in Roman Law, and a second class in Criminal Law & procedure. She commented that 'Most people take the three parts in three terms, but I did it all at once'.⁹⁵ All sections of the Bar Finals were compulsory, but could be sat at different times, and at any time after admission to an Inn of Court. Not only did she take the exams in one session but she had had only six weeks to prepare. She remarked that she did not buy her books until 1 November and the exam was on

⁹¹ Polden, 2005, op cit.

⁹² Gray, op cit.

⁹³ Polden, 2005, op cit.

⁹⁴ Noted on her CV. WL:7HLN/A/01

⁹⁵ Ibid

13 December. This was because until 30 September she was editing *India*. Normanton was not entitled to any exemptions in Part I of the exams as, although she had sat for the LL.B law degree in 1912, she did not pass. Had she been successful, she would have been entitled to exemptions and might have ‘beaten’ Ivy Williams to the position of first woman called to the Bar of England and Wales. Ivy Williams had been called to the Bar in May 1922,⁹⁶ having been exempted from some of the Bar exams by virtue of passing the Bar finals with a first class in the Michaelmas term, which excused her two terms of dining,⁹⁷ and so she ‘overtook’ the other women Bar students. She was the first woman to be called to the Bar in England and Wales at Inner Temple. However, she never practised law, instead she became a tutor and lecturer in law to the Society of Oxford Home Students, later St. Anne’s College, Oxford.

Disciplinary inquiry at Middle Temple

Normanton’s Part I Bar exam success was widely reported. The *Evening Standard* called her a ‘wonderful woman’⁹⁸ as she had only studied for six weeks and the report marvelled at her ‘great ability’. The paper featured an interview with her, stating (incorrectly) that she had achieved three first class passes.

However, Normanton’s excitement was short-lived. In an undated statement⁹⁹ she recounted the reaction of Middle Temple to this newspaper report. Some days after it was published, she

⁹⁶ Hazel Fox, ‘Williams, Ivy (1877–1966)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

⁹⁷ Ibid

⁹⁸ *Evening Standard* 13 January 1921

⁹⁹ WL: 7HLN/A/07

received a letter from the Under Treasurer asking her to call at the Treasury at a given time. This would not be the last time that she was accused of self-publicity.¹⁰⁰ She wrote¹⁰¹ later that she 'expected some formality but to her intense surprise was ushered into the presence of the Treasurer Master C. C. Scott KC and Sir John Edge.¹⁰² They put her through an enquiry. She complained in her statement later that she was not forewarned or prepared. Middle Temple were asking her to account for the newspaper report and suggested that she may have been self-publicising, a disciplinary offence. Within 10 minutes, whether she showed it or not, she was:

'inwardly thoroughly, but icily, angry, and it was all I could do to control myself sufficiently not to leave these gentlemen, walk out of the room and leave them to draw any conclusions they chose. It will be realised that in the mood I was in it was not very likely that I should do myself justice; and I should suppose I did not. Seems probable to me now that these gentlemen must have been a sub-committee of the Benchers appointed to deal with the press accounts of my poor little results.'¹⁰³

She was furious that she had not been warned that the meeting was really an inquiry as to her conduct. She wrote that, if she had been warned, she would not have thought it unfair and

¹⁰⁰ The reoccurring issue of self-publicity has not been dealt with as a theme because it is essential to the chronology of her story. It has an effect on her subsequent behaviour. It is difficult to know if other women were subjected to these constant accusations of self-publicising or indeed if male barristers suffered in this way too. This will be the subject of later research as the word limit does not allow for it in this thesis. It appears to be misogyny.

¹⁰¹ *ibid*

¹⁰² S. V. FitzGerald, 'Edge, Sir John (1841–1926)', rev. Roger T. Stearn, *Oxford Dictionary of National Biography*, Oxford University Press, 2004. He was a man of Irish descent, who was called to both the Irish and the English Bar. He took Silk in 1886 and made the High Court Judge in India. He retired from this in 1908 and became Treasurer at Middle temple in 1919.

¹⁰³ WL: 7HLN/A/07

would have taken press cuttings with her, presumably to enable her to examine the material in detail, show them the inconsistencies and explain the circumstances, rather than just discuss the reports in general. She felt aggrieved at the time by the Press articles and indignant that the CLE should put the results in *The Times* without permission¹⁰⁴ (they were always published in this way).

In the written document¹⁰⁵ she explained how the ‘interview’ with the *Evening Standard* occurred, prefacing it by saying that she did not think there was anything special about her exam results. She explained that just as she was leaving home, a man called to congratulate her. She was surprised and flattered that he was so impressed. He asked how she had done the work while she was editing a newspaper [*India*]. She replied that the examinations were not very remarkable and she had resigned as editor of *India* on 30 September. She explained ‘I just meant that I didn’t deserve credit.’ She protested that she had never said that she had received three firsts in her exams. At some point the man informed her that he was a representative of the Press. She stated that it was a very short conversation, and referred to the fact that she ‘was full of private trouble’ (it is unknown what this might be). She felt that the interview was both ‘ridiculous’ and ‘imaginative’. It is difficult to understand why she felt this when it was full of praise – but undeserved in part, and therefore damaging to her. Perhaps also she realised that notoriety would be of little help in being taken seriously in her career/getting pupillage.

¹⁰⁴ She must have felt that this was encouraging press intrusion.

¹⁰⁵ WL: 7HLN/A/07

Normanton decided, on reflection,¹⁰⁶ that the meeting at Middle Temple had a three point agenda: whether it was true that she had studied so rapidly? Secondly, they assumed she was boasting and, lastly, they believed she had wrongly claimed an Oxford Degree. She was pained that they thought that the pressman was a personal friend. At the end of the meeting, Master Scott stated that she should not give any more of these interviews. She replied 'I wouldn't as I had no desire ever to give any'. She also explained that she was a novice student and had only the haziest idea of Bar etiquette. That was understandable as such rules were not written down until 1953. Before this date, Bar etiquette relied on an oral tradition of rules, one of which was that a professional man would refrain from advertising.¹⁰⁷ Normanton argued that Middle Temple had erred by segregating men and women, which had deprived women from learning etiquette & tradition. She could only be referring to some form of segregation during dining and this calls into question the suggestion that she favoured it. Nothing came of this meeting. She received no warning. She wrote that if she had received a warning she would have demanded a full hearing. She left the meeting feeling that she had been believed and that she parted with Master Scott in a friendly way (but not with Sir John Edge?) She wrote that she did not feel any disgrace and she later consulted Master Scott over another Press matter. His advice conflicted with that of her solicitor but she abided by it. She declared that thereafter she refused interviews. This incident marks the end of her 'honeymoon' at the Bar.

¹⁰⁶ WL: 7HLN/A/07

¹⁰⁷ Polden, 2005, op cit, p. 327.

Understanding the inquiry

The Bar had a strict etiquette and it was part of the unwritten code of conduct that barristers would not advertise their services.¹⁰⁸ Such behaviour was viewed by the Inns and Bar Council as intolerable,¹⁰⁹ warranting discipline and possible exclusion from the profession. Normanton must have been aware of this, as she was well informed on the practises of the Bar. She should not have given interviews, as this put her membership at risk. Of course, she was not practising at that time and it is not certain that she was informed about Bar etiquette.

However, she may have had an ambivalent attitude towards the Press.¹¹⁰ On the one hand she had used and courted the Press in order to promote her goal of opening up the legal profession to women in the 1910s, but now she needed to distance herself from them. The battle for women's inclusion at the Bar was not over by 1921. Women were now formally able to enter the legal profession, but next they had to deal with the more difficult, subtle form of indirect discrimination. She may have seen the Press's interest in her as an advantage in maintaining interest in the movement for women's inclusion in the legal profession. Any publicity would keep up the momentum of change. Certainly, in some quarters, the fight for admission was over, for example Normanton received a letter from the National Union of Societies for Equal Citizenship, informing her that the Legal Profession Committee no longer existed and thanking

¹⁰⁸ Polden, 2005, op cit, p. 327.

¹⁰⁹ Purcell, C. G. *Cases and Other Authorities on Legal Ethics 1870-1934* London Foundation Press 1946.

¹¹⁰ For a discussion of Press behaviour see Bingham, A. *Gender Modernity and the Popular Press in Inter-War Britain* Oxford University Press Monograph 2004 and Bingham, A, *Family Newspapers. Private Lives and the British Popular Press 1918-1978* Oxford University Press 2009.

her for sitting on it.¹¹¹ As the *Daily Express*¹¹² understood (after the publication of Normanton's Bar results) 'one might be excused at thinking that women's emancipation was complete, but the excitement over Normanton's success shows that there is still much prejudice to be overcome' and 'why should we cry 'wonderful'? Only when Normanton does things without us being astonished will emancipation be a fact'.

To a certain extent, Normanton could not control the Press interest in her. Women barristers were novel and she was noted as a 'first' for her membership of an Inn. There was a great deal of interest in her. The Press certainly quoted her a great deal after her exam success and Middle Temple may have been excused for believing that she was self-promoting. Of course, the Press are not always reliable. Certainly a number of stories at this time were published in daily papers featuring 'interviews' with her. For example, *The Daily Chronicle*¹¹³ reported that her exam success had 'caused a ripple of excitement through-out legal circles'. Also that Normanton was not 'the least concerned', taking her exams in 'one gulp rather than in three sips', and that her success set a precedent. She was said to have referred to studying Hindu law next as it was important that some women realised the legal conditions under which Asiatic (Asian) women lived: 'We white women might be pressing for the kind of world which would be beautiful for us, but which would not suit brown and yellow women at all.' She continued that she had no firm ideas of what kind of practice she would develop as it would be determined by the law of supply and demand. She said that she would be guided by what women wanted her

¹¹¹ 31 May 1920, WL: 7HLN/A/06

¹¹² *Daily Express* 14 January 1921

¹¹³ *The Daily Chronicle* 14 January 1921.

to do for them, although she did not want to represent women exclusively. This sounds like an authentic interview, expressing views that Normanton is known to have held.

Similarly, the *Daily Sketch*¹¹⁴ featured an interview in which she described herself as feeling like Oliver Twist, because she would have been happier with three firsts! She explained that she was taking Hindu law next since no white woman knew exactly how Hindu laws affected women, which caused difficulty at International conferences. The affairs of Asian women were often discussed in the dark. The affairs of Asia and in particular, India, were important to her, having edited *India*, the London-based paper of the Indian National Congress party, at the time when Gandhi's non-violent civil resistance movement was becoming active.¹¹⁵

*The Daily Telegraph*¹¹⁶ also marvelled that she had only studied for 6 weeks since few men would take it in one go. They mentioned that she was editing *India* at a time when Indian affairs were causing a tremendous amount of work and interest, hence she often sat up until 3am. Her determination to succeed is illustrated by her comment that she had proved that a poor woman by working hard could qualify for entry to the Bar, as many men had done. She is reported to have said, passionately, that a woman who has suffered knocks and had to fight her way would be more successful than one who had led a sheltered life. She said she was proud that she attempted the exam without coaching. Everyone had told her that she would 'come a

¹¹⁴ *The Daily Sketch* 14 January 1921.

¹¹⁵ See Ch 1

¹¹⁶ *The Daily Telegraph* 'Women Bar Students' 14 January 1921.

cropper'. She praised the excellent lectures at the CLE which made employing an expensive coach unnecessary.

About two weeks later, an anonymous letter was sent to Middle Temple (stamped as received 27 January 1921) containing one sentence: '? A case for enquiry?' It enclosed three articles concerning a talk Normanton gave to Women's Freedom League at the Minerva Club. It appears that Normanton was unaware this complaint had been received by Middle Temple, as there is no evidence that Middle Temple wrote to her either in her archives or Middle Temple's. This was the second time her behaviour (concerning self publicising) was questioned. Nothing came of it, there was no inquiry, but it demonstrates that she was being scrutinised and that clearly many people were not happy with her admission.

The first newspaper report the letter contained was by the *Evening Standard*, 25 January 1921, entitled 'When Women Dare, Absence of Genius Due to too much Morality?' which reported Normanton as saying: 'When women really let themselves go and are themselves, possibly we shall have an outpouring of genius such as the world has never known.' She apparently said that she was that women's achievements were less massive compared to those of men. No woman, she is said to have argued, was as good as Francis Bacon, Shakespeare or Plato. She believed this was because women dared to be themselves: 'I honestly tell you that there is a sort of woman I like best, the woman who likes all that is bad in life. Many of great geniuses have been people who have given enormous vent to themselves in love, rage and passion. Some of the great ladies lived scandalous lives. Probably they wanted to. They have great

value for us because they dared to be themselves. I appreciate range and massiveness, and I wonder when women are going to get hold of it. I am inclined to think that there is too much morality about women; too much accepting of the fictions of the day as to how women ought to behave. So long as women accept so much modern morality, custom and fiction, we shall not see what they are capable of. Until they are really themselves there will be all kinds of mental differences which I do not think are real.’ The second article appeared in the *Sketch*, 25 January 1921, ‘Too Much Morality’ and the third in the *Daily Express* of the same date. They covered the same ground. Normanton wrote a furious letter to the *Daily Express* the next day,¹¹⁷ complaining that her talk had been taken out of context, and arguing it had been a psychological study: ‘we may have our soft corners for Nell Gwynnes and Catherine the Seconds, but our instincts teach us that the highest ends of humanity will be best served by an equally high standard of morality in conduct of both sexes.’ She must have anticipated that it might cause complaint as she sent a telegram (reply paid) to Middle Temple explaining: ‘Correcting gross misreporting of speech last night if against etiquette please wire.’¹¹⁸ She was obviously aware that she now had to be careful of how she behaved.

Her Peers: Other women Bar students

Normanton was one of 12 women successful in those Part I examinations.¹¹⁹ There is little available data on these other women. We know already that Middle Temple admitted 33 women in 1920, but that should be put in the context that they also took that year an unusual

¹¹⁷ 26 January 1921 ‘The Feminine Rake’

¹¹⁸ MT. 3/MEM

¹¹⁹ As reported in *The Vote* January 21 1921.

330 men. Polden found that 428 women were admitted to an Inn of Court between 1919 and 1939.¹²⁰ He estimated in his study of women at the Bar between 1919-1939, that approximately 8% of the women were married.¹²¹ Social class is difficult to establish. Normanton's father is sometimes described as a pianoforte manufacturer and sometimes a piano tuner. Having separated from her husband, Normanton's mother had to earn an income, which she did by running various businesses including a boarding house and a pub. Normanton herself had been schooled to gain a profession that would set her up as an independent woman. She was by no means from a wealthy or well -connected family. She was not a typical Bar student. Abel demonstrated that the sons of gentlemen were falling in number among barristers and new occupations were rising, but the sons of the working classes were unusual.¹²² Polden has shown that of the 428 women admitted to an Inn between 1919-1939 only three-quarters of the women's paternal occupations is known.¹²³ Sixteen had a father who was a gentleman or from the landed gentry. Seventy one had fathers who were in the law and one hundred and three had fathers who were professionals. Ninety one had fathers in commerce or industry and fourteen in public service. Fourteen women had fathers who were clerical or manual workers or from journalism or similar occupations.

¹²⁰ Polden 2005, op cit, p. 295.

¹²¹ ibid

¹²² Abel, 1998, op cit, p.75

¹²³ Polden, 2005, op cit, p. 298

The Bar had become a graduate profession before the 1920s.¹²⁴ The graduates came mainly from Oxford, Cambridge and London. Polden¹²⁵ comments that most women admitted to study law between the wars (1919-1939) were university educated. Almost 60% of home female students¹²⁶ joined an Inn having a degree, were enrolled on a degree or had attended university.¹²⁷ Of the 199 women admitted to an Inn 40% were Oxbridge graduates, 30% from London, and 28% from other Universities.¹²⁸ Polden points out that older universities did not confer degrees on women until 1921 (Oxford) and 1948 (Cambridge) therefore it is not 'surprising' that the proportion of women with degrees was lower than men.¹²⁹ Only after World War II did the majority of all students enter with a law degree.¹³⁰ Regardless of subject, Normanton had a degree, but was not university educated (her degree was obtained through external examinations by way of an extension course). So Normanton's relatively humble background would have set her apart from most of her fellow students. She would have been a rarity. She was definitely not part of a social network that promoted its members. Her contacts were probably limited and not made from childhood, family or university. This also possibly contributed to much of the gossip that, as we will see later, surrounded her career at the Bar.

¹²⁴ Polden, 2005, op cit, p. 300

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Ibid

¹²⁸ ibid, p.301

¹²⁹ ibid, p.300.

¹³⁰ Ibid, p. 301: it was not until after the Second World War that entrants with a law degree were in the majority and believes that the figure would probably be the same for women.

Photographs

In May 1921 Middle Temple requested that Normanton use her influence to keep her photographs out of the papers.¹³¹ They urged her to buy up blocks of photos owned by newspapers that had been taken of her before she was admitted to Middle Temple. On 2 June 1921 she wrote a rather desperate letter to Master Scott describing how she had tried to buy some blocks of photos, but there were so many others, which she could do little or nothing about. She stated that she had refused requests for interviews and was holding back a book and did not know what else she could do to show how genuinely she wanted to keep within the etiquette of the profession. She concluded that she was bewildered and did not want to bother him with every etiquette issue. This scrutiny was to become intense and bullying.

Bar finals

On 26 October 1921 Normanton passed Bar Finals with a third class.¹³² This must have been disappointing for a woman who had achieved a first class in her B.A History degree and a double first in the English Board of Education Teaching Certificate. Passing the Bar Finals alone was a triumph, but the grade is very poor, especially compared to Robina Stevens and Ivy Williams¹³³ who both achieved firsts. This result may explain her determination to complete

¹³¹ MT.3/MEM

¹³² WL: 7HLN/A/01

¹³³ She also achieved a First Class and went on to be the first woman called to the Bar of England and Wales and therefore the first woman barrister, see Hazel Fox, 'Williams, Ivy (1877–1966)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

the LL.B after she qualified.¹³⁴ Frances Kyle from Ulster was called to the Irish Bar six months earlier.¹³⁵

Pupillage

Once Normanton had passed the Bar Finals she was in a position to begin her pupillage.

Pupillage was not essential in order to practise¹³⁶ (it became so only in 1958) and some barristers proceeded to practise without it, although they had to have been called to the Bar before actual practice was possible. Finding a pupillage and setting up in chambers was not difficult for men between the wars. It was difficult for women.¹³⁷ This was recognised by the Inns and they recommended to barristers that there should be no discrimination against women.¹³⁸ Recommending, of course, is toothless. There was no positive discrimination compelling chambers to take women.

Normanton's menu card for her first dinner at Middle Temple recorded in a handwritten note that one of her guests, Wells Thatcher, was her pupil master. He had chambers in 2 Essex Court¹³⁹ and specialised in Divorce and Criminal Law, the two main areas in which Normanton would practise. However the address that she wrote from when releasing her statement to *The*

¹³⁴ Achieved in 1930, WL: 7HLN/A/37

¹³⁵ Bacik, I, Costello, C and Drew E, 'Gender Injustice: Towards the Feminisation of the Legal Professions?' (Law School, TCD, Dublin 431 2003)

¹³⁶ Polden, 1996, op cit, p. 322

¹³⁷ *ibid*

¹³⁸ Lincoln's Inn Black Books, 2001, pp. 555-560.

¹³⁹ British Phonebooks 1880-1984 p862

Times in 1921 regarding the use of her maiden name was 5 Stone Buildings, Lincoln's Inn.¹⁴⁰

This does not tally with having Wells Thatcher for a pupil master. Perhaps she had chambers there initially and then took up pupillage? It is impossible to be certain. There are no Bar Council records on where she had pupillage let alone for how long and whether she completed it.¹⁴¹ Pupillages were worse than unpaid since the pupil barrister had to pay 200 guineas and also maintain themselves.¹⁴² They were not compulsory and it was recommended that the pupil spend one year with a conveyance or an equity draughtsman, six months with a special pleader or common law barrister, six months with a solicitor and then, after call, a further six months with a barrister.¹⁴³ In 1950 it was recorded that only one-fifth of barristers followed the recommended training.¹⁴⁴ Normanton must have saved money from her teaching career in order to fund herself. Some scholarships from the Inns of Court were available¹⁴⁵ and, according to Polden, were granted to two women: Sara Moshkowitz (1922, called 1925) and Muriel Walker from Lincoln's Inn.¹⁴⁶

There is further confusing evidence that she applied at other chambers. In June 1922 she received a letter from a Mr Skinner (from the Common Room, Lincoln's Inn). Apparently Wells

¹⁴⁰ Statement re *The Times* November 1921, November 22 1922 WL:HLN/A/07. The British Phonebooks register her as being at this business address in 1924, p734.

¹⁴¹ Polden. 2005, op cit, only individual addresses were printed and given that the Inns have accommodation in them it is not a clear guide.

¹⁴² Abel, 1998, op cit, p..53

¹⁴³ Ibid

¹⁴⁴ Ibid

¹⁴⁵ Miss A. W. Hastings was awarded a Middle Temple prize in 1922, letter from Middle Temple to Normanton 27 October 1925, WL; 7HLN/A/01. It is unclear what this meant.

¹⁴⁶ Polden, P. 2005, op cit.

Thatcher had put them in touch. Mr Skinner said that he could not discuss pupillage with her as his 'Head of Chambers would not approve' because he had 'old fashioned principles' and a lady in chambers would be too ¹⁴⁷'upsetting for him'. This apparently was not unusual. According to Polden, the usual excuse Chambers made to women applying for pupillage was that there were no female lavatories. He cited Hannah Cross as having to undertake to use the public lavatories in Lincoln's Inn Fields before she could take up her pupillage place.¹⁴⁸ Finding a pupillage and setting up in chambers was not difficult for men between the wars, but it was difficult for women.¹⁴⁹ This problem was recognised by the Inns when they recommended to barristers that there should be no discrimination against women.¹⁵⁰

1921 was a busy year for Normanton professionally as we have seen above and also personally as we shall see below. Despite these major events in her life she still found time for other feminist activity. 1921 was the year that Lady Rhondda founded the Six Point Group, of which, as we saw earlier, Normanton was a member.¹⁵¹ She was also the founding member of the Magna Carta Society¹⁵² and Honorary Secretary. This was a group that celebrated the Magna Carta and kept a watchful eye over the rights enshrined within it.

¹⁴⁷ WL:7HLN/A/17

¹⁴⁸ Polden, 2005, op cit.

¹⁴⁹ Ibid, p321

¹⁵⁰ Lincoln's Inn Black Books, 2001, p. 555-560.

¹⁵¹ WL: 5SPG

¹⁵² See Law, C. *Women: A Modern Political Dictionary* at page 115 and WL: 7HLN/D/10 1931-1974

26 October 1921

On the same date as her CLE certificate was issued, 26 October 1921, Normanton married Gavin Watson Clark. Polden estimated that from 1919-1938 only 8% of women were married when starting at the Bar.¹⁵³ Robina Stevens left the Bar on her marriage. It would seem that Normanton waited until she had fulfilled her ambition before marriage and had no intention of giving up her career. She was 39 years old. She probably believed she was too old to have children. Childbearing would have required a career break and had its dangers for older mothers. Interestingly Polden points out that all the women who were successful at the Bar were married.¹⁵⁴ Normanton's niece remarked that 'they had no children, and it was a marriage in which sparks could fly, for both had quick tempers, but I think it was basically a happy one.'¹⁵⁵

They were married in St Pancras Registry Office.¹⁵⁶ She wore a fur coat and was accompanied by her friend Florence Daplyn (she was a witness to the marriage as was Normanton's new father-in-law). The event must have been fraught, as the Registrar leaked the news to the Press. Normanton had attempted to keep it a secret (she only let three or four relatives know at the last moment) but her marriage took place in front of reporters (to her disgust). They followed her to the railway station and took her photo without her consent.

¹⁵³ Polden, 2005, op cit, p.295

¹⁵⁴ Polden, 2005, op cit, p.306

¹⁵⁵ Notes by Elsie Cannon, Normanton's niece. WL: 7HLN/C/09.

¹⁵⁶ *The Evening Standard* 26 October 1921

Her Professional Name

Before Normanton actually practised law she made a decision as to the name she would use. She chose to retain her maiden name, but took the title 'Mrs'. 'Ms' is commonly used for women today who do not wish to be known as either 'Miss' or 'Mrs' but this was unknown in 1922. Normanton said that she used the title 'Mrs' to put her divorce clients at ease and that she preferred to be addressed as 'Mrs':

'I like the prefix of 'Mrs.' Because it is more dignified. If people do not wish to address me as 'Mrs.' they can call me Helena Normanton, which I like very much. I think it is quite a good name for professional purposes, too. I have never given up my maiden name, and shall always use it with the 'Mrs.' before it.'¹⁵⁷

She went on to say that a woman who has made her name professionally or commercially was justified in using it.¹⁵⁸ Further, she said that, if a title was to be used, 'let it be Mrs. as Mr is used by men, single and in bondage, and Miss is prudish and silly.'¹⁵⁹

Before her Call, in late October 1922, she wrote to the Treasurer of Middle Temple stating that she had married on 26 October and asked if she could retain her maiden name. They replied on the 3 November stating that they saw no reason for calling attention to the fact that Helena Normanton was not her name¹⁶⁰ and asked her to present a formal petition to the Benchers of Middle Temple, which was then considered by the four Inns of Court. She had to assure them

¹⁵⁷ *The New York Times*, 7 January 1925, 'Woman Barrister of England Here'

¹⁵⁸ *Ibid*

¹⁵⁹ 12 April 1925, as reported in the *Washington DC Star*.

¹⁶⁰ WL:7HLN/A/17

that she would permanently adhere to that name, not change it later, or use any other name but Normanton.¹⁶¹ She was allowed to be called in her maiden name.

This retention of her maiden name was extremely unusual in 1922. We have seen in Chapter 2 that, although coverture had supposedly been removed by the Married Women's Property Acts, women were still socially and economically bound to their husbands. It was extremely unusual for women not to take their husband's name on marriage. It was a radical move, but an understandable one. She wrote: 'no one who ever knew my wishes ... would ever call me Mrs Clark.'¹⁶² She had achieved so much as an independent woman. Why should she change her name on marriage? Her name was her own. It conjured up a whole identity and to an extent a movement to open the law up to women. Her name would also have been useful for future practice and was known by both clients and solicitors. She probably hoped that it would bring in work.

Her public explanation for wishing to keep her maiden name involved her new mother-in-law.¹⁶³ She said that Mrs Gavin Clark was her mother-in-law's name and her mother-in-law 'was naturally offended' by newspaper reports publishing accounts of both Normanton's private and professional life. Letters began to arrive addressed with her mother-in-law's name but intended for Normanton. Both Normanton and her mother-in-law found this unpleasant.

¹⁶¹ Letter from Normanton to Mater Scott KC, Treasurer of Middle Temple 11 November 1922.

¹⁶² Document on opinion paper in response to Evening Standard report of 18 November 1922, *Barristers Hidden Tresses* WL:7HLN/A/07

¹⁶³ *Ibid.*

Whether her mother-in-law was really offended is unknown, but probably unlikely as it was the norm for a wife to take her husband's name.

However, there was a movement in America at this time, the 'Lucy Stone League'. Their motto was 'My name is the symbol for my identity and must not be lost'.¹⁶⁴ Ruth Hale (1887-1934) was President of the League and demanded that the US State Department issue her a passport in her own name, despite being married.¹⁶⁵ The lawyer who represented the League, Rose Falls Bres, was to become the President of the National Association of Women Lawyers, who would later invite Normanton on a lecture tour of America. The Society visited London in July 1924.¹⁶⁶ This connection may have had something to do with Normanton's radical stand on her maiden name.

This retention of her maiden name attracted much comment throughout her career. The *Evening Standard* remarked in their report on her Call that she was called in her maiden name 'even though she is Mrs Clark'.¹⁶⁷ In January 1925, the *Oxford Times* reported¹⁶⁸ that everyone had heard of a professional name so famous that the husband's name paled into insignificance, but few had followed the example of Helena Normanton and retained their maiden name, prefixing it with 'Mrs'. They referred to the Lucy Stone League and commented that no more

¹⁶⁴ Kramer, D. *Heywood Broun. A Biographical Portrait* New York, Current Books, 1949.

¹⁶⁵ She was to an extent unsuccessful as they offered a passport in the name 'Ruth Hale, also known as Mrs Heywood Broun'. She refused to accept this.

¹⁶⁶ Normanton gave them a guided tour of the Temple, this was recorded and commented on in *Daily Star* 24 July 1924.

¹⁶⁷ 18 November 1922, *Evening Standard*, 'Women Barristers Hidden Tresses'.

¹⁶⁸ *Oxford Times*, 2 January 1925, 'What's In a Name'

significant symbol of emancipation could be found than the desire of married women to retain their own name. Normanton later needed to defend herself against an accusation of self-publicising¹⁶⁹ and commented on a correction that she drafted, inserted and paid for in *The Times* newspaper: 'Mrs Helena Normanton announces that the above is her legal and only name in public and private life and that she hereby formally denies all statements to other effect'.¹⁷⁰ Her intention was to stop the Press discussing her name and she felt that it was successful. But, only after the insertion did she discuss it with the Secretary of the Bar Council. This was to have devastating consequences on her career, as we shall see in the later chapters.

Normanton fiercely defended her maiden name. On being described as Mrs Clark in *Woman's Who's Who* Normanton wrote and furiously complained. The editors replied confusedly that, although they apologised, they were within their rights to refer to her as Mrs Clark as she gave them her husband's details.¹⁷¹ She immediately responded that she was in Rome when their letter had arrived and therefore someone in chambers must have filled it in as a practical joke. She threatened to inspect their document. She finished by saying that they had no right to refer to her as Mrs. Clark as every person in this country has the right to choose their own surname – it cannot be thrust on them by a third party.

'The women barristers' wigs made them look like men':¹⁷² Call night 17 November 1922

¹⁶⁹ Statement by Normanton re *The Times* 22 November 1922

¹⁷⁰ WL:7HLN/A/07

¹⁷¹ 18 January 1935, letter from Hutchinson and Co, WL: 7HLN/A/07.

¹⁷² *The Evening Standard* 18 November 1922

In theory, once Normanton had been called to the Bar, she could practise law since pupillage was not compulsory.¹⁷³ Normanton's call night was symbolic: she had achieved her childhood ambition. She was called, as requested, by her maiden name.¹⁷⁴ Ten other women were called that night,¹⁷⁵ eight of them at Middle Temple: Monica Mary Geikie Cobb, Auvergne Doherty, Ethel Bright Ashford, Naomi Constance Wallace, Sybil Campbell, Elsie May Wheeler, Lillian Maud Dawes, Beatrice Honor Davy, and one at Inner Temple Theodora Llewellyn Davies.¹⁷⁶ The speech was given by the Treasurer,¹⁷⁷ Sir Forrest Fulton. He made little mention of the women called that night, but told them to persevere, as there were 'sure to be difficulties'.¹⁷⁸ It was a tremendous achievement and one that had been denied to a list of women before her. It must have been a remarkable night.

Normanton had every intention of practising. However, like Ivy Williams, not all those called to the Bar were intending to practice law. The Bar was a frequent choice of training for men of a certain class and was often viewed as a finishing school for young men.¹⁷⁹ Polden commented that in 1919 at least half of all home students did not intend to practise,¹⁸⁰ and two-thirds of

¹⁷³ Abel, 1998, op cit, p. 53.

¹⁷⁴ *The Evening Standard*, 18 November 1922

¹⁷⁵ Abel, 1998, op cit, p. 330.

¹⁷⁶ *The Vote* 24 November 1922. Ivy Williams was called in Inner temple on 10 May that year and in Ireland Miss Kyle and Miss Deverill were called at the Four Courts in Dublin in November 1921.

¹⁷⁷ The Inn is led by the Treasurer, who is elected to serve for a one-year term.

¹⁷⁸ *The Evening Standard*, 18 November 1922

¹⁷⁹ Abel, 1998, op cit, p.49.

¹⁸⁰ Polden, 2005, op cit, p. 302

women called during the period 1919-1939 did not intend to practise.¹⁸¹ Women were no less likely to drop out of their studies than men.¹⁸² At least some of them must have entered the Inn hoping to make a career as a barrister, but Polden concluded that barely a score made even a modest success at the Bar.

Conclusion

This chapter began with Normanton starting her studies for the Bar in December 1919 in a blaze of glory. By November 1922 she had passed her exams, albeit not as brilliantly as some of her past academic achievements, and it ended with her call to the Bar at Middle Temple. Her legal career had begun. She began to find that her relationship with the Press, who had been allies during her fight for admission to an Inn of Court, was detrimental to her career and would later cause irretrievable damage. Normanton had achieved her childhood ambition and was about to embark on a career that she had desired for nearly three decades. Would the Bar live up to her expectations? Many people had supported her. Would she live up to their hopes?

Normanton had achieved her major goal of opening up the profession to women. The response to this change was largely favourable, even from some who had been unenthusiastic or directly opposed. However, the terms on which the move was welcomed raised their own problems which might come back to haunt her in the future. It was assumed that women were now able to compete on equal terms with men but this overlooked the limitations of formal equality.

¹⁸¹ Ibid

¹⁸² Ibid

Commentators based their remarks on a discourse of 'exceptional women'. Thus, while on the surface complimenting her, this description of her as 'exceptional' created (unrealistically?) high expectations of her and isolated her. The term 'exceptional' also minimised the wider importance of the change, suggesting that most women would not choose the profession. It must have been frustrating for her, as a feminist, to be told that she was atypical and most women would not (seek to) benefit from her achievements. Again, the stress on women's lost opportunities to be wives and mothers placed her as 'second best' even while complimenting her as 'exceptional'. This portrayal of women barristers put them at a disadvantage from the start. As a committed feminist, she is likely to have been aware of these nuances.

Chapter 5

Normanton Normanton's Legal Career:

Her Burgeoning Career 1922 – 1924

'...[W]omen at the bar are portrayed in much too sorry a view. I am afraid that I know personally far too many women in both branches who have never been able to make even a start in practice to think it at all wise to encourage more women to come into it [the law] unless they have ample private means to sustain themselves during their period of waiting. It is not in my view to achieve success at the Bar (i.e. in the ordinary acceptance of the term) when able women accept relatively trivial Civil Servant positions when one gravely doubts whether men of equal ability would be at all likely to accept such positions.' Helena Normanton, 1933, in a letter to London & National Society for Women's Service.¹

By 1922 Normanton was forty years old, had been admitted to Middle Temple, passed her Bar Finals, secured a pupillage and been called to the Bar. She had achieved her purported main goal in life: to open the legal profession to women. However, despite all these significant steps, the contest to open the Bar to women was not over. She and other women barristers now faced the struggle for substantive equality; they had to break down discrimination and prejudice in order to practise at the Bar as men did. She would also have to contend with class and education issues that would also affect her life as a barrister, as well her high expectations

¹ WL: 7HLN/A/18, 28 November 1933 letter from Helena Normanton to the London & National Society for Women's Service.

of how barristers should behave. This chapter will examine the very early period of her legal career, 1922-1924. In 1924 she abandoned her practice and went off to America on a lecture tour. Despite some gaps in the evidence it is possible to assess that her achievements were numerous: she managed to be briefed and to practise as a barrister. This chapter will attempt to document and make sense of the early years of her legal career.

The number of women called to the Bar in November 1922

We saw in chapter 4 that Normanton was not the only woman Called to the Bar in 1922, there were 10 others. Normanton and the others were an unknown quantity to many solicitors, the majority of whom were men. These solicitors may have been wary about putting briefs into their hands. Their preconceived ideas about women may have led them to behave according to presumed gender stereotypes, for example by giving Normanton divorce and other family type cases. The thinking may have been that, as a woman, she was fit to deal with divorce and family cases because women traditionally inhabited the private sphere and therefore were best suited to such cases.

The situation did not change much in the next ten years. Abel has shown that in 1923 a further ten women were called to the Bar, in 1924 eighteen more, in 1925 only nine, and in 1926 just fifteen. These are typical of the figures until 1946, when his figures stop.² In 1935 *The Northern Daily Telegraph*³ reported (confirming these figures) that a yearly average of 14

² Abel, R. *The Making of the English Legal Profession 1800-1988* Beard Books, Washington, 1988, table 1.12, p.330.

³ *The Northern Daily Telegraph* 9 July 1935

women were called to the Bar, and at the time of writing there were a total of approximately 200 women barristers. This article questioned the women barrister's standing. Many, they said, never intended to practise, the women just wanted the status and privilege of wearing a wig & gown. Many left on marriage, went overseas or used the Bar as a stepping stone to a more lucrative job. They suggested that the Bar was not a welcoming place, along with widespread prejudice from a supercilious public and even unfriendly criticism from some superior judges, although it was felt that the Bar had finally accepted the situation. The article argued that the women were still on trial, in 1935. The reporter believed that another generation would witness the female barrister's heyday. It is an interesting article because it highlights cultural prejudice, to which they contributed by referring to the old stereotypes that women often qualified because they did not really want to practise.

The Age of Normanton's Female Contemporaries

Normanton was 40 in 1922. She already had considerable life experience and was an experienced professional, a teacher. Polden has reported, that between the Wars, the ages of 262 of the 428 women Bar students were known (60%).⁴ He calculated that the median age at admission to an Inn of Court was 21.2 years. About 20% were teenagers and over a quarter were over 30. He found that there was a correlation between age at admission and whether the woman Bar student proceeded to call. Of the very young, only 60 % were called, whereas among the over 40's, 80% proceeded to be called. There were no comparable figures for men

⁴ Polden, P. *Portia's Progress: Women at the Bar in England 1919-1939* International Journal of the Legal profession, Vol. 12, No.3, Nov 2005, p. 297

(they do not exist). 75% of female Bar students were younger than Normanton and the same is probably true of those called with her. It is difficult to assess to what extent her age affected her career. It may have put off solicitors more familiar with briefing young members of the Bar for their junior work. This may explain why she suffered a shortage of briefs which were so necessary to forging a successful career at the Bar. However the converse may be true, solicitors might have been attracted by her as her age, experience and maturity. The shortage of briefs that she experienced may have been due not only to prejudice but to the length of time it took to establish a career at the Bar.

Numbers of Women In Practice in 1922.

Was Normanton alone in her attempt to carve out a career in 1922? It is well known that Ivy Williams (the first woman to be called to the Bar) had no desire to practice and instead settled into academic life. In 1919 half of all Bar students apparently never intended to practise.⁵ The Bar Finals pass rate was high, 85% in 1922.⁶ In 1919 594 men were admitted to an Inn of Court and in 1922, only 377 were called.⁷ Even if women were called to the Bar it is difficult to establish exactly how many women practised. Barristers did not have to take annual practising certificates (as they do now) so it is impossible to give numbers with certainty because no records exist. In February 1925 the *Northern Evening Dispatch*⁸ stated that there were at least 40 female barristers, 25 of them having put their names up outside chambers and been briefed

⁵ Strahan J. A, *The Bench and Bar of England* London Blackwood 1919, p. 228

⁶ Abel, 1998, op cit, p.311 Table 1.1

⁷ *ibid*, table 1.12 p.330.

⁸ 17 February 1925, *The Northern Evening Dispatch*, 'What Women Barristers are Doing'.

at least once'. The *Liverpool Courier*⁹ reported in 1926 that women were doing well at the Bar, stating that there were 80 women members of the English Bar. The *Newcastle Journal* in 1926 suggested that there were 12 women practising, with fair practices. Strachey wrote in 1935 that 79 were practising¹⁰ compared to Hughes' 1936 estimation of only 12-18.¹¹ Polden¹² guessed that at no point between 1919 and 1939 were as many as 20 making a living exclusively from the Bar. There was probably no year in which 40 held a brief. Similarly, there are no figures for men's practice. Polden concluded that 'while it seems to have been generally accepted that women were disproportionately unsuccessful, the extent of the gender gap is quite unknown.' When the 1921 census was taken, twenty women recorded that they were practising barristers (just 0.7% of the Bar), by 1931 79 women did so (2.7%).¹³ Normanton was not entirely alone at the Bar or in her struggle to practise.

'[D]espite being present in the divorce court with another female barrister she still had not been briefed.'¹⁴

Irrespective of Normanton's well known status, briefs did not just appear. On 20 November 1922, 3 days after her call, the *Evening Standard* and other papers reported on her 'first day in court'. She was described as having been present in the divorce court but 'still not briefed.'¹⁵

⁹ 25 May 25 1926 *The Liverpool Courier*, 'Women Who Make Good at The Bar'

¹⁰ Strachey, R *Careers and Openings for Women* Faber and Faber 1935

¹¹ Hughes, D. W. *Careers for Our Daughters* London Black Publishers 1936

¹² Polden, 2005, op cit, p.314

¹³ Abel, R, 1998, op cit, p.80

¹⁴ 20 November 1922, *Evening Standard*, 'Portia in Court'.

¹⁵ Ibid

These reports later became an issue between Normanton and Middle Temple about self-publicising, as will be discussed later in this chapter. She vigorously denied giving an interview to the *Standard*. Despite these issues, the reports are interesting because they describe her first day as a barrister and the expectations that rested on her. She was in the divorce courts, dressed as a barrister and, although she was not professionally employed, she was present in court, observing, learning and making visible to solicitors that she was ready to be briefed.

She was extremely unlikely to be briefed immediately.¹⁶ It is unclear whether she was a pupil at this stage or whether she had decided to practice in her own right. We assume that she was resident at Wells Thatcher's chambers, 2 Essex Court,¹⁷ and paid rent or a pupillage fee plus her own maintenance. To make a living at the Bar, barristers needed their own briefs, which were generally dependent on their social network and family connections. They needed a private income when they started. Barristers were not allowed to make partnerships (as is still the case) but are autonomous individuals who must build up a practice, unlike articulated clerks at this time who could have relied on their salary. Many women called to the Bar sought other careers¹⁸ such as becoming solicitors,¹⁹ reporting and writing,²⁰ academia and public service.

¹⁶ Abel, 1998, op cit, p.60

¹⁷ He is listed on the telephone directory at this address, page 826, until 1926 (when his entries stop).

¹⁸ Polden, 2005, op cit, p. 315

¹⁹ Ibid, Polden gives two examples of this career route: Beatrice Davy (called 1922 at Inner Temple) and Marion Billson (called 1924, so not a direct contemporary of Normanton's).

²⁰ Ibid, Polden lists Beroe Bicknell, Doris Belcher, Esther Dangerfield, Irene Davies and Denise Chorlton as following this path. Bicknell also wrote books.

The *Evening Standard* report highlighted the weight of expectation that Normanton carried. Although it was normal to wait for briefs in the first few years of practice, it was expected that Normanton would be briefed straightaway. Her employment was a matter for public scrutiny and her success or failure an indicator of how well women were doing in the legal profession. It was a considerable amount of pressure to put upon her. The *Evening Standard* report stated that 'she will be associated with the work of the Probate & Divorce Division'. This was contrary to Normanton's expressed desire not to be viewed as taking on only 'women's' or 'family' cases, yet the press were keen to pigeon-hole her in this role.

The first brief

The barrister's clerk was (and often still is) the key to success in those early days in practice. The clerk played a central role in securing work for the set; he would allocate it to barristers and negotiate the fees. These clerks often found women a 'bad investment'.²¹ Clerks earned a percentage of their barrister's fee, therefore they needed to make a 'good investment' in high fee work. Barristers could not (then or now) rely solely on their clerk to bring in work; they also needed relationships with solicitors. This is where coming from a legal family can be particularly useful, Normanton did not benefit from this. The Poor Persons Procedure²² and the

²¹ Flood, J. *Barristers Clerks, The Law's Middlemen* Manchester University Press 1983.

²² Cretney, S. *Family Law in the Twentieth Century, A History* OUP, 2011, pp. 306-7, states that there was legislation dating back to 1495 to assist the poor with the payment of court fees, but with the Rules of the Supreme Court (Poor Persons) 1913 came the Poor Persons' Procedure. This allowed the Poor Persons' Department of the High Court to refer a person with assets of less than £50 to see a 'reporting solicitor'. Following their report the court could admit the applicant as a 'poor person'. This would enable that person to be exempt from court fees and they would be assigned a solicitor or counsel from a list of volunteers. These lawyers would run the case but could not take a fee.

dock brief were the only occasions when a barrister could bypass a solicitor. At this time the majority of solicitors were men.

Normanton had to wait nearly a month for her first brief, becoming the first woman to hold a High Court brief. Monica Geikie Cobb²³ was the first woman to hold a brief when she appeared before Birmingham Assizes on 1 December 1922.²⁴ Normanton's first case, on 21 Thursday December 1922, was *Searle v Searle*.²⁵ She appeared in the High Court at the Royal Courts of Justice on the Strand in a divorce matter,²⁶ before Horridge J.²⁷ There is a full transcript of this case in her papers, kindly supplied to her by 'C. Damer Snell, Official shorthand writer at the Royal Courts of Justice'.²⁸ He wrote 'as it is your first case I felt sure that you would like a memento of what I hope will be a successful career at the Bar.' Normanton was instructed by Messrs. Dehn & Lauderdale²⁹ to appear for the Petitioner.

²³ Polden, 2005, op cit; Auchmuty, R. 'Whatever happened to Miss Bebb' *Legal Studies*, Vol. 31 No. 2, pp 199-230.

²⁴ Lang, E. L. *British Women in the twentieth century* T Werner Laurie 1929 and Gates, G. E. *The Women's Year Book* Women's Publishers, 1923, p43.

²⁵ Held in High Court of Justice, Probate Divorce & Admiralty Division (Divorce).

²⁶ Many of her cases were divorce cases, for example 3 March 1930 *Evening Standard & Evening News & Nottingham Evening News & Northern Despatch* (and *Daily Mirror* 4 March 1930): 'Judge Bans Secrecy Over Divorce Names'. 16 February 1931 letter from Dehn & Lauderdale, Solicitors thanking her for her work on a divorce case, WL: 7HLN/A/17.

²⁷ David Davies, 'Horridge, Sir Thomas Gardner (1857–1938)', rev. Hugh Mooney, *Oxford Dictionary of National Biography*, Oxford University Press, 2004. He was a solicitor who later converted to the Bar and became a KC. He acted as a Liberal MP for Manchester East, where he campaigned for the release of Chinese slave in African gold mines. He stood down from politics and returned to the Bar as a High Court Judge, hearing mainly divorce cases although he was involved in the Casement treason trial.

²⁸ WL: 7HLN/A/09. 2 January 1923, letter from C. Damer Snell Official shorthand writer at the Royal Courts of Justice.

²⁹ This is no record of how she came to be briefed by these solicitors, possibly they already briefed someone senior in chambers.

We have seen from chapter 2 that divorce was a cause which concerned Normanton. She campaigned tirelessly for change in the law, at great personal expense. Her practical experience of acting for clients in such matters placed her in a good position to understand the issues in detail and lobby for change. As we have seen, in 1922 divorce was governed by the 1857 Matrimonial Causes Act which allowed a man to divorce his wife if he could prove she had committed adultery alone (Ss27 & 31), whereas the wife had to prove that her husband had committed aggravated adultery (adultery plus incest, bigamy, desertion for two years, cruelty, rape, sodomy or bestiality).³⁰ In the *Searle* case the wife sued for divorce for desertion for five years and adultery.

Normanton opened her first case with the words: 'This is a wife's petition, my Lord for dissolution of marriage on the ground of adultery and desertion for two years and upwards.' These were the first words spoken by Normanton in a court and the first words to be heard by a woman barrister in the High Court. After opening the case, her next task was to take the petitioner through her examination in chief. This was vital because the petitioner was required to mention everything that she wished to be considered before the court. She had to state her case. The petitioner was Mrs Violet Rose Searle, of 28 Ravensdon Street, Kennington. Her examination in chief revealed that she had no children and supported her husband financially. When leading her witness, which is acceptable in an examination in chief, Normanton made an error in asking her to explain that her husband had a 'bookkeepers business' instead of 'bookmakers'. Horridge picked her up on this. She acknowledged her mistake and moved on,

³⁰ 40% of divorce petitions were from women between 1858-1900, see Stone, L. *Road to Divorce, England 1530-1987* OUP, 1990

saying, 'That was my mistake, my Lord, I meant a bookmaker's business.' We learn from the examination in chief that the husband's business had failed and in 1913 the marriage became unhappy due to his failure to support the home. In 1915 he was discharged from the army and found a job at an arms factory, but he said he refused to work unless Mrs Searle gave up her job or left him.

By Mrs Searle's account the marriage continued to go badly. She gave examples of how he took away her war loan and the furniture, forcing her to leave the matrimonial home and move in with her parents. They enjoyed a temporary reconciliation, but her parents' house proved an inconvenient meeting place so they met at weekends. He never said where he spent the week days. He asked to spend Easter week with her but never turned up; she waited at the station, but never saw him again. He wrote to her, making various allegations against her, which she denied. Mrs Searle had heard rumours that he was living with another woman. She confirmed the service³¹ on him of the legal papers relating to her action.

Normanton then called her next witness, Mr Horace Rowe, who had rented his house for five years to Mr Searle with his 'wife' and their two children. Normanton produced birth certificates for the two illegitimate children. The register confirmed that the children were registered only to their mother. Horridge commented: 'That doesn't help you then.' Normanton replied that she had two witnesses to corroborate the adultery. Horridge

³¹ This is a legal term that means that the defendant has been served with the papers and is a set procedure which has to be followed that shows the jurisdiction of the court and details of the legal action, this gives the defendant an opportunity to reply and appear.

responded that he did not need to hear anymore and ordered the divorce. She had won her first case.

It is difficult to know whether such a quick resolution of a divorce was usual. Certainly those who sought a divorce were normally successful. Between 1858 and 1861 416 divorce decrees were granted and only 29 petitions denied, Cretney could see no reason to suppose that the ratio would have changed over the coming years.³² Certainly, to be successful the petitioner had to come to the court with 'clean hands',³³ as Mrs Searle did. Section 22 of the Matrimonial Causes Act allowed the court to act in an inquisitorial way to establish the truth. Horridge certainly did not do this in *Searle*. There could be no connivance by the petitioner,³⁴ or collusion, but any condonation³⁵ by the petitioner would result in the petition being rejected. It was clear in *Searle* that the wife had been keen to make the marriage work, but had been unforgiving once she became of his second family.

Searle v Searle was widely reported internationally, as can be seen from Normanton's scrapbook.³⁶ For example the *Chicago Tribune*³⁷ reported (wrongly) that a 'woman barrister for

³² Cretney, 2011, op cit, p.194.

³³ An equitable doctrine that means that no one would be granted relief if they were guilty in some way. A good example of this is *Clarke v Clarke and Clarke* (1865) 34 LJ (PA&M) 94, where the husband's one off act of adultery with a prostitute was enough to debar him from divorcing his wife who was having an incestuous affair with her brother.

³⁴ In *Gipps v Gipps and Hume* (1864) 11 HLC 1 the husband drove the wife to prostitution and then lived off her earnings, he was denied a divorce on the grounds of connivance.

³⁵ Ss 29 and 30.

³⁶ WL: 7HLN/A/07

³⁷ 22 December 1922 *Chicago Tribune* (Paris edition)

the first time in history conducted a case in the English law courts'. They commented that Normanton 'took her place in a row of members of the junior bar, wearing a wig, gown and bands not distinguishable from those of the men'. With this publicity came letters from the public. Some were extremely pleasant, such as that from Miss. L. Broad Headmistress, of Tollington High School, Grand Avenue, Muswell Hill, London N10,³⁸ which informed Normanton that they had named a school house after her and asked her to 'do a favour for the school' by taking a little interest in it, providing them with a motto and suggesting dates that would be suitable for a special day in her honour.

Other letters were less pleasant and may have placed a burden on Normanton. For example on 27 December 1922 Normanton received a letter from Agnes Roberta Littlejohn of 68 Sutherland Avenue, Maida Hill, London W9³⁹ which begged for help, stating that she was 'desperate', although she did not say what the trouble was. On 1 February 1923 she received a letter from a woman whose name is unknown⁴⁰ asking to see her regarding a case concerning children, but only in 'an unprofessional capacity'. On 7 April 1923⁴¹ Normanton received a letter addressed to her at the divorce courts from two women asking if she would take any kind of case: 'ours is a defrauding & breaking up case to rob and demoralise two innocent women of their power, living and home.' At this time barristers could only see clients brought to them by solicitors, as Normanton would have been well aware. She had a tremendous sense of duty

³⁸ WL: 7HLN/A/29. 2 January 1923.

³⁹ WL: 7HLN/A/07

⁴⁰ WL: 7HLN/A/07

⁴¹ WL: 7HLN/A/07

towards the sections of society with no access to justice. She is likely to have found these letters expressing such personal difficulties very hard since she could not help. They suggest something of the public impact of her presence at the bar.

The frequency of Normanton's cases in her first years at the Bar is hard to ascertain as her case book for 1922-1930 is missing.⁴² Her fee book contains scant information.⁴³ But it is certain that her cases were few and far between. They were also of an extremely junior nature, such as a 'dock brief'.⁴⁴

Gathering Storm Clouds: Western Circuit Rejection

Barristers needed to be a member of a circuit. England and Wales was divided into circuits, routes throughout the country that the King had originally travelled and then his judges in order to dispense justice throughout the realm. Circuits changed and became more formal as barrister numbers expanded and transport improved in the late nineteenth century.

Membership was required to practise within each circuit as high fees were passed onto the client if barristers practised outside of their circuit.⁴⁵ This made it impossible for barristers to practice in a circuit of which they were not members. The current membership of the circuit controlled who could or could not join.

⁴² Case book no. 2 1930-1940, WL: 7HLN/A/13

⁴³ WL: 7HLN/A/14.

⁴⁴ *ibid*

⁴⁵ Abel, 1998, *op cit*, p.97

Normanton attempted to join the Western Circuit in November 1922.⁴⁶ At a meeting of the Circuit her application for membership was considered by its members. She was proposed by Mr S.H. Leonard and seconded by Mr W. Blake Odgers.⁴⁷ Mr H. Gregory KC said that her conduct had already been considered by the Benchers and she had been ‘warned’ (this must have referred to previous inquiry by Middle Temple in 1921 that we examined in chapter 4). Extracts from the *Daily Graphic* report of her call night dated 18 November 1922, were then read aloud by Mr Emanuel KC, as was her announcement in *The Times* that she was to be known professionally as ‘Mrs Helena Normanton’. Members asked if a man in such circumstances would have been elected, he ‘thought not’. Mr Odgers had obviously anticipated this might happen and had brought letters of support for Normanton from newspaper editors and solicitors. However a Mr Broderick proposed the election be postponed for one year and seconded by Mr Duckworth. Mr Percival Clarke suggested that the Circuit should deal with the matter at once, although it is unclear what he meant: reject her outright? Mr Charles KC argued that the meeting was representative of the Mess and not a tribunal of conduct. Further, he said that the meeting had to decide, after hearing facts, whether to admit candidates as members of the Mess. Mr Bousfield KC then summed up, a vote was taken and the motion was lost: Mrs Helena Normanton was not elected.⁴⁸

⁴⁶ See the Western Circuit Minute Book No. 2.

⁴⁷ Odgers was a prolific writer of law texts such as *The Principles of pleadings and Practice in Civil Actions in the High Court of Justice* 1912 Stevens and Sons: London, *Odgers on the Common Law in England* 1927 London Sweet and Maxwell; *Principles of Practice and Evidence* 1911 Butterworths.

⁴⁸ Western Circuit Minute Book No. 2

The Issue of Self-Publicity, April 1923

Her rejection was a damaging setback. In response Normanton wrote to Master Scott, Master Treasurer at Middle Temple⁴⁹ and requested that the Bar Council hold a searching and full enquiry into whether she advertised herself. She wrote that the Western Circuit's refusal was primarily on the grounds of her self-advertising:

'...although some additional personal calumnies of a very wicked nature had been circulated before the Election Meeting about me. With these I don't propose to trouble you, because Time and the Event are the best indicators, but I can pin down the advertising legend, because it must take two to manoeuvre an advertisement, viz. the editor as well as the notoriety hunter, and I am confident that I can secure very emphatic repudiations of such practice from the leading editors to place before the Council.'

She wrote that her sponsors were told by a Western Circuiter that she had been admonished before call for advertising. This, she said, was untrue, although she did have an 'interview'. We know from chapter 4 that this was more than an interview, it was an inquiry and a warning about her future conduct. Her letter continued that one of her Western Circuit sponsors had been distressed and felt that the comment was meant to infer that at the time she was called she was under censure. She said that this 'shook' and 'weakened his advocacy' on her behalf. She concluded '... However, I suppose that any weapon is fair against a woman, and I am learning day by day.' Clearly she saw her rejection as straightforward sex discrimination.

⁴⁹ WL: 7HLN/A/07 April 1923 (no day recorded)

As Normanton understood it the accusations centred on six pieces of publicity surrounding her marriage, her call night publicity, the 'Eldon Junior' publicity, the photos supplied to the Press, her first day in court, and the use of her maiden name. She produced an undated 'General Statement',⁵⁰ written on opinion paper. It provides a flavour of how she felt about these accusations and as to how she would behave throughout her time at the Bar. This statement was a in the form of a legal document.⁵¹ She explained that she had lived a life under the public eye, not only because of her legal work, but because she had been a female Lecturer to Post-Graduate students in Glasgow, an extension lecturer at the University of London and the First General Secretary of the National Union of Women Citizens Association. She explained that having delivered hundreds of lectures her name had legitimately appeared often in the Press. Subsequently she was the first woman to be admitted as a law student. She was clearly furious as she explained that she had forfeited a handsome income by not writing for the daily Press. To take each issue in turn as she explained it in her statement:

The publicity surrounding her marriage

She was exasperated by her treatment by the Press. She stated that she had tried to keep her marriage quiet by not telling anyone and resigning from every club and committee, and she had practically given up public speaking. Yet the story was still leaked and she her marriage was witnessed by members of the Press. She believed someone unknown was communicating with the Press, and that person (or persons) was a member of the legal profession (the *Daily Herald*

⁵⁰ Undated, WL: 7HLN/A/07

⁵¹ WL: 7HLN/A/07

has apparently told her this): ‘if I could just ascertain the name of the person. If I knew who it was I would take action’. However, she did not play the victim, she hit back by counter-claiming that ‘If judges & barristers write about women barristers then it is only to be expected that the Press will comment’.⁵²

Call Night Publicity

She expressly stipulated⁵³ that she did not see the account of her call as printed in the *Evening Standard* until 24 April 1923. She was adamant in distancing herself from it:

‘I did not write it. I do not know who did. No one who ever knew my wishes, or the facts of the case, would ever call me Mrs Clark. From the description of Sir Forrest Fulton’s speech I should say that the writer imagined the whole description, as the Treasurer said a good deal about the occasion being forever ,memorable because of women being called, etc, etc.’

She analysed the evidence and orders that an enquiry should be made by Middle Temple Treasury if any representative of the *Evening Standard* was admitted, if so, who it was.⁵⁴

The ‘Eldon Junior’ Controversy

This concerned the article written by her friend Holford Knight under the pen name of Eldon Junior and provides us very little insight in to what this was truly about. The actual article cannot be found but it appears to depict a female bar student’s despair about jealousy at the

⁵² WL: 7HLN/A/07

⁵³ WL: 7HLN/A/07

⁵⁴ Ibid

Bar. She dealt with this article extremely simply by saying that she did not believe that any woman law student had, by that time, even thought of Circuit, certainly not herself.⁵⁵ She explained that several people sent her the article, believing that it referred to her and she commented 'I wonder the authorities of the Profession don't go for this kind of thing.' This does not seem like the behaviour of a friend and indicates some kind of break in their friendship. She did not seem to make any concessions on his behalf, quite the opposite.

The Photos she supplied to the Press

She further dealt with the 'misconception' about the photo she had supplied to the Press, especially as it was used in an article about her call in *The Daily Graphic*.⁵⁶ Her distribution of a photo of herself in legal attire to all the newspapers is difficult to understand given the Bar's strict advertising code. She explained that she did it to prevent Press intrusion and the taking of unauthorised photos; that she had consulted the Annual Reports of the Bar Council from 1884-1923 and found only one ruling regarding photographs:⁵⁷

'That this Council is of opinion that it is undesirable for Members of the Bar to furnish signed photographs of themselves for publication in legal newspapers.'

She argued that it was not furnished, rather applied for, she did not sign it, it did not appear in a legal newspaper and she had not broken a rule. She noted that she detested having it taken, but did it to stop any flashlight photo/contempt of court. Although it is well known today that it is a criminal offence to use a camera in court it was not so unusual in 1922. There had been

⁵⁵ WL: HLN/A/07

⁵⁶ *The Daily Graphic* 11 November 1922

⁵⁷ Annual Reports, Bar Council 1884-1923 (1900-1901) p. 8

dock photographs of Christabel Pankhurst in 1908, Dr Crippen in 1910, Mr Smith (of brides in the bath notoriety) in 1915. It was not until the Criminal Justice Act 1925 that cameras were legislated against in the courtroom. Therefore this was probably a very valid fear. Normanton explained that the photo wording on the back of the photo stated:

This photograph is supplied only on the stringent condition that it is not used to illustrate any literary contribution of Mrs. Helena Normanton, or in any way whatever, except in connection with her legal work.'

This was corroborated by the Editor of the *Daily Graphic*.

Normanton explained that, before her call, she was hounded by the Press for a photo and they threatened that unless she gave one she would be photographed in court. She was very alarmed and concerned that she would be accused of self-publicising if that happened and was asked why she had not given a photo. The document continued that she was at this time only barely convalescent after an internal operation and she could hardly get about, let alone into Chambers. If she had have gone in she could have sought advice from other members of Chambers. The photographers and publicists, Messrs Elliott & Fry, had offered to take her photo for professional reasons and assured her that they had seen plenty of photographs of robed barristers in the past. She believed that they were conversant with legal etiquette. The day before call she rang them and organised an official photo. On the back they put a notice that the photos were not to be used for a long time. The next day she had her photo taken.

During the same day, the *Daily Mail* telephoned and her housekeeper⁵⁸ told them that she was having her photo taken at Fry's. Fry's rang her next day to say that the *Daily Mail* wanted a photo and it would be normal to give them have a copy. She told Fry's to do so according to their judgement. She did not pay to have it inserted. Dr Ivy Williams was similarly hounded and did the same thing, in fact distributed the photograph to the newspapers. The *Daily Graphic* published the photo of Normanton and the instruction on the back, which she knew was vague and probably gave the wrong impression. She was the fourth female barrister to appear in the newspapers. The photos of her in everyday dress arose from her work pre call . She could not control their use.

Publicity Surrounding her First Day in Court

Many newspapers including *The Evening Standard* gave an account of her first day in court.⁵⁹ Concerning the *Daily Mail* article, she emphatically denied giving any type of interview or saying that had 'no such luck' in receiving a brief. She explained what happened:

'On Nov 1922 I went to the Law Courts professionally attired and went straight to the Divorce Court. En route (her underlining) I encountered another woman barrister and just spoke to her but realising from some remark she made that the gentleman with her

⁵⁸ Although it is impossible to tell from the census whether she had a live-in housekeeper it is clear from this comment that she had a housekeeper who helped with the domestic arrangements.

⁵⁹ *The Evening Standard* 20 November 1922 'Portia in Court'

was a Press man I hurried off at once, terrified for fear he should put anything about me in the paper. I do not know what paper he was from. Outside the Divorce Court there was the usual large crowd waiting whilst summonses were being disposed of. I spoke to one or two barristers I know and a Press woman came up and just said 'Good morning, may I look at you?' Quite civilly. I gave her no interview and indeed she informed me that she was sent by her paper not because of myself but because of a motion to be taken that morning about the Russell case. When leaving the Court another Press man intercepted me and begged most persistently for an interview for the *Daily Chronicle* (name underlined). I refused it and a statement that I had refused it appeared in that paper next day. The remarks attributed to me were not made by me to any press representative. I think it possible some barrister friend might have asked me if I had a brief and I should have had to say 'No' which might have been overheard. The other sentence in inverted commas was not said by me and is too Johnsonese and stately for my style of conversation. I do not give press interviews about myself.⁶⁰

Publicity Surrounding the Use of her Maiden Name

This referred to her request to Middle Temple and their approval of her continuing to use her maiden name after her marriage. In November 1922 she paid for and inserted a personal announcement in *The Times* newspaper⁶¹ that she would retain her maiden name and be known as Mrs Helena Normanton. She explained in the document that she had presented a

⁶⁰WL: 7HLN/A/07

⁶¹ *The Times* 22 November 1922

petition to the Benchers of Middle Temple and was by them remitted to the four Inns of Court requesting them to call me to the bar in my maiden name. This, she explained, was for family reasons. She assured the four Inns of Court that she would permanently adhere to that name, not change it later, nor use any other name but Normanton. However, to her distress, *the Daily Graphic*, *Evening Standard*, and *Daily Express* published articles regarding her private life and said that in private she would be called Mrs Gavin Clark, her mother-in-law's name, who was 'naturally offended'. Accordingly, letters began to arrive addressed in her mother-in-law's name but intended for Normanton. Normanton found this not only unpleasant but, unless contradicted, feared that the Joint Council may have drawn the conclusion that she was not keeping to her promise.

As a result of this she drafted, inserted & paid for a brief and formal correction:

'Mrs Helena Normanton announces that the above is her legal & only name in public & private life & that she hereby formally denies all statements to other effect. 22

Mecklenburgh Sq, WC1 & 5 Stone Buildings, Lincoln's Inn'.

According to Normanton, this had the desired effect. However, she added 'If this was injudicious then I am very sorry.' After the insertion, she discussed it with the Secretary of the Bar Council who pitied her situation.

The Outcome of her Demand for a Full Inquiry

Not only did Normanton write this long legal document, she supplied copies from numerous newspapers categorically stating that she had never sought publicity⁶² (even though their reporting was not an issue, she wanted Middle temple to be clear that she never self-publicised). How did she manage this? She presumably threatened legal action, but under what law is difficult to imagine. They would have been aware that she did not want any further publicity. They presumably did not wish to ruin her career, but it is doubtful that they would have cared. Female barristers were newsworthy so perhaps some co-operation between the Press and the Bar was required by them. Whatever her strategy, it worked. This is evident from an article by the *Daily Herald*.⁶³ This commented that a judge, Mr Justice Coleridge, had denounced trade unions the previous day after finding for a workman expelled from his Union for breaking a rule. The paper considered that it was something for the judge to consider because a letter had been handed in to the newspaper by one of his own members [presumably Normanton] stating that they had been refused permission to practice on the Western Circuit because of an alleged breach of rules, therefore this barrister should be ruled out. Two days later a correction appeared in which they expressed regret for an unfortunate error: the information was not conveyed by letter from the barrister in question, but by an outside source. They stated that nothing had been sent to them by the barrister in question.

⁶² *The Star* 20 April 1923, *The Pall Mall Gazette* 21 April 1923, *The Evening Standard* 19 April 1923, *Daily Sketch* 19 April 1923, *Sunday Chronicle* 19 April 1923, *Illustrated Sunday Herald* 19 April 1923, *The Observer* 26 April 1923, *The Daily Express* 9 April 1923, *The Times* 10 April 1923, *The Daily News* 19 April 1923, 19 April 1923, *The Daily Mail* 12 April 1923, *The Morning Post* 20 April 1923, *The Weekly Despatch* 26 April 1923, *The Sunday Times* 27 April 1923, *The Evening News* 23 April 1923, *The Daily Chronicle* 23 April 1923, *The Daily Herald* 25 April 1923, *The Daily Mirror* 23 April 1919, *Westminster Gazette* 3 May 1923.

⁶³ *The Daily Herald* 24 April 1923 'Pot and Kettle'.

On 14 April 1923 the editor of the *Daily Graphic* wrote to Middle Temple⁶⁴ *advising* them that Normanton did not contribute towards the article that they had written, but explained that there had been a great deal of interest in women at the Bar. They described how they had asked for a photo of her in the past, she had but one was sent by Elliot and Fry with an inscription on the back as to how it should be used. Normanton, they emphatically stated, had never approached them in order to secure publicity. If there be fault, it attached to the Press not to the women barristers, it would be an unfortunate miscarriage of justice if women were to suffer due to the keenness of the Press.

Four days later,⁶⁵ the Editor of the *Daily Graphic* also wrote to Middle Temple: ‘ We understand that a paragraph which appeared some weeks ago in the *Daily Graphic* in which reference was made to Mrs Helena Normanton, has been responsible for a good deal of misapprehensions to the action of that lady in respect to Press publicity. We were particularly astonished when the facts were brought to our notice, for the reason that, as far as this paper is concerned, we have on several occasions found it impossible to obtain info of any sort from Mrs Normanton, either about herself, or the admission of women to the Bar’ Normanton clearly had a strong influence over some Fleet Street editors. No action was taken by Middle Temple.

Rose Heilbron: Similar Problems

⁶⁴ MT.3/MEM

⁶⁵ 19 April 1923, MT.3/MEM

Normanton's career and life were clearly of public interest because she had been the public face of women's admission to the Bar. Due to the lack of written material on women at the Bar at this time it is difficult to assess how great a problem it was for them. Rose Heilbron certainly had similar issues in 1952 when an article was written about her, with information inadvertently supplied by her sister. This resulted in a letter from Gray's Inn Discipline Committee. Nothing came of the inquiry,⁶⁶ but Heilbron continued to suffer from 'incessant' publicity throughout her career.⁶⁷ She later had to appear before a special committee to consider whether she had self-advertised after similar articles were written about her.⁶⁸ We should not underestimate how serious these allegations could be, potentially resulting in being struck off. Again she was exonerated. Interestingly, Heilbron steadfastly denied requests for photographs of herself⁶⁹ which could have been a result of the controversy over Normanton's photographs. In the late fifties, Heilbron was again asked to account for her conduct in relation to numerous articles that had been written about her, but as always she was cleared of any wrong doing.⁷⁰ This illustrates that Normanton's problems were not unique to her, or necessarily anything to do with her own conduct. Both women were 'victims' of public interest and the commercial awareness of editors.

Professional Jealousy

⁶⁶ Heilbron, H. *Rose Heilbron* Hart Publishing 2012 pages 135-139.

⁶⁷ Ibid, p.185

⁶⁸ Ibid, p.186

⁶⁹ Ibid, p.189

⁷⁰ Ibid, p.208.

Heilbron's daughter wrote that Rose Heilbron had supportive and sympathetic colleagues at the Bar, although 'it is inconceivable that there would not have been some envy at her huge Press coverage, particularly as she was so much junior to many of her colleagues...'⁷¹ Normanton had a stark problem with one colleague who caused her great difficulties and drawbacks.

In November 1924, Normanton received an anonymous letter on Middle Temple notepaper purporting to have been written by a group of barristers, but signed by a 'well-wisher'.

Anonymous letters are always sinister, because there is no proof as to the author. They also render the recipient powerless because there is no means to reply to the author. It warned her that there was still more than one person opposed to women joining the Bar. This fear was justified as being due to jealousy which has always been a feature of life at the Bar. This jealousy had been aroused by Normanton and the letter instructed her that the time had come for her to consider how she should limit the gossip about herself. It continued, with a back-handed compliment, that her 'partial successes' had caused the envy of other women.

In essence, the letter was a warning against a Miss Ashford, stating 'are you really unaware of the origin of comments about you?' Ethel Bright Ashford was admitted to Middle Temple in 1920 and called in 1922 with Normanton.⁷² She intended to practise at the Bar and joined a local government set and the south eastern circuit.⁷³ She went on to become a local councillor

⁷¹ Ibid, pp.138-9

⁷² Polden, 2005, op cit, p.318

⁷³ Ibid, p.324

in Marylebone and active in social work.⁷⁴ It seems that she did not manage to practise⁷⁵ but was a prolific writer of books on local government and local history. According to the letter, there had been ‘trouble at Winchester & Clerkenwell’. This can only have referred to the courts or the circuits. They continued that in ‘every case they all have one feature in common-they have been friends of Miss Ashford. It is not a secret that she openly makes statements about you: your mode of life, work, marriage and professional code’. The letter insisted that the writer did not think the comments were true, but they all commented on Normanton’s passivity. It maintained that Miss Ashford was responsible for the complaint to Middle Temple. Interestingly they informed Normanton that the complaint has ‘fallen flat’. The letter finished by advising Normanton to stop inviting Ashford to her house or continuing to treat her as a valued friend.

This letter is intriguing, but who wrote it? Was it really from a group of well-wishers, or an attempt to divide and conquer women barristers? It purports to be assisting her, yet it is unsigned and criticises her ‘passivity’. It seems designed to undermine her. It suggested that Normanton was not isolated or detached, as she can sometimes seem, but was active in professional relationships and friendships in inviting other women barristers into her home and life. Her suggested passivity is in direct contrast with her earlier behaviour when attempting to enter the Bar and her conduct towards requesting a judicial post. We will probably never know what the personal outcome was for Miss Ashford and Normanton or whether this letter

⁷⁴ Ibid, p.318

⁷⁵ Ibid, p.314

defamed Ashford. If the letter was untrue in its assertions it illustrates the level of malice directed against Normanton. We will never know who sent this letter or its accuracy. Needless to say it was extremely unpleasant. It was obviously of great significance to Normanton or she would not have kept in her papers. Normanton later commented in a letter that Marshall Hall⁷⁶ gave her good advice on the hostility he went through when 'he went forward'. We do not know what that advice was, but it is interesting that professional jealousy/envy/malice was rife at the Bar and not confined to women.⁷⁷

Missing Case Book

The frequency of Normanton's cases in her first years at the bar is hard to ascertain as her case book from 1922-1930 is missing.⁷⁸ Her fee book contains scant information.⁷⁹ But it is certain is that her cases were few. They were also of an extremely junior nature such as a 'dock brief'. Abel has commented that 'it is extremely difficult to make meaningful statements about barristers' income: statistics are unavailable, unreliable and incomparable; and there is great variation within the profession...'⁸⁰ The barristers income reflected their status, age, experience and speciality (and therefore their dependence on public funds).⁸¹ Normanton may have been older than other new barristers and had a well-known status, but she was extremely junior,

⁷⁶ The great Victorian barrister, C. Biron, 'Hall, Sir Edward Marshall (1858–1927)', rev. Mike Clarke, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁷⁷ WL: 7HLN/A/17, letter from Normanton to Venetia Stephenson March 3 1927.

⁷⁸ Case book no. 2 1930-1940 is in her archives, see WL: 7HLN/A/13

⁷⁹ WL: 7HLN/A/14.

⁸⁰ Abel, 1998, op cit, p.120

⁸¹ Ibid, p.22

inexperienced and was given work that was not well paid: crime and family as opposed to Chancery or Common Law. Abel provides some figures for 1928, where the highest earner made £28 000, but the median barrister only £600.⁸² Rose Heilbron, Normanton's only well documented comparator, was called to Gray's Inn in 1939⁸³ and after six months pupillage was offered a tenancy.⁸⁴ Her biographer notes:

'There was much less work available for young barristers, whether men or women, when Rose started at the Bar than in later years. Many barristers left the Bar because of lack of opportunity. Fees were much lower than they are today and there were far fewer courts in which to practise. There was no unified state funding by way of the legal aid scheme until the 1950's...Cases tended to be shorter than they are today and there were more pleas of guilty... The availability of privately paid work was limited. Even when a young barrister obtained work, receiving payment could take an extremely long time and would have a deleterious effect on cash flow, because of chambers' overheads and travelling expenses as well as other expenses''⁸⁵

Although Heilbron was called almost 20 years after Normanton, this passage gives us a flavour of the difficulties of early practice. Heilbron's practice started to take off after two years and was in full flow after five years.⁸⁶ Her biographer puts this down to the fact that she was a local household name, her cases being reported by the Press, she was a beautiful woman, a novelty and good at her work. It would seem that Heilbron was unusual. The average earnings of

⁸² Ibid

⁸³ Heilbron, 2012, op cit, p.18

⁸⁴ Ibid p.22

⁸⁵ Ibid, p. 23

⁸⁶ Ibid, pp27-28

barristers in 1922-23 were approximately £580-£600,⁸⁷ approximately £25000, in present day terms⁸⁸

Normanton's situation was not unusual. As Abel points out, finding a tenancy was only the start, the junior barrister still had to earn a living.⁸⁹ Barristers are independent, self-employed lawyers who work out of the structure of a set of chambers. They receive no salary, so, even today, all junior barristers must attract briefs in their own right, through their clerk, from contacts, from the contacts of other barristers working in that set or by devilling. There are no figures for 1922/23, but, by 1952 barristers starting out would lose £10 in their first year and earn a net income of £100, £280, £370 and £590 in the following years.⁹⁰

'Stick to my choice'⁹¹

It would seem that many of Normanton's cases were dock briefs. This was a criminal brief given directly by the prisoner in the dock to a barrister selected from a panel of barristers waiting in the courtroom. No solicitor was involved. The Poor Persons Procedure⁹² and the dock brief were the only occasions on which the barrister could by-pass a solicitor. The dock brief cost the prisoner £1 3s 6d (£1 1s for the barrister and 2s 6d for the clerk⁹³) and there were

⁸⁷ Abel, 1998, op cit, Table 1.36, p.368

⁸⁸ <http://www.measuringworth.com/ukcompare/relativevalue.php>

⁸⁹ Abel, 1998, op cit, p.60

⁹⁰ *ibid*, p.61

⁹¹ 7 February 1924, *Daily Express*, 'Woman Counsel and the Jury'

⁹² Cretney, 2011, op cit, pp.306-7.

⁹³ 17 September 1932, *Evening News*, 'A Brief From the Dock'.

strict rules governing the Dock Brief's behaviour: they were not allowed to make gestures such as waving a wig or giving friendly glances in order to be selected.

On 6 February 1924 Normanton became the first woman to accept a Dock Brief,⁹⁴ and to run a trial in the Old Bailey, for a man accused of fraud.⁹⁵ It has been suggested that men using a dock brief opted for women barristers because they believed they would be more sympathetic, though in divorce cases male clients would not risk an untested woman barrister. Again, this case was widely reported.⁹⁶ This was partly because it was the first case conducted by a woman in the Old Bailey, but also because it made a good story. Eyles believed that he had selected a male barrister.⁹⁷

It concerned alleged fraud by Charles Eyles, a 67 year old car dealer, and was heard before Atherley-Jones J.⁹⁸ Eyles faced a charge of obtaining goods (cars) by false pretences and had two co-defendants. Normanton complained to Atherley-Jones that she had not been able to

⁹⁴ 7 February 1924 *Daily Express* 'First Woman in the Old Bailey: Women Counsel and the Jury'; the story was repeated two years later in *Evening News* March 1926

⁹⁵ *Daily Express* 7 February 1924. It has often been suggested that Elsie Bowerman was the first woman to appear in the Old Bailey, but she was not called until November 1924.

⁹⁶ For example: 7 February 1924, *Wolverhampton Express*, 'Woman Barrister. Gallant Sergeant Offers To Help Her Out'; 7 February 1924, *Daily Express*, 'Woman Counsel and the Jury'; 8 February 1924 *Daily Express* (Lighting up time), 'Win For A Woman Barrister'; 8 February 1924, *Manchester Evening News*; 9 February 1924, *Northern Daily Telegraph*; 17 February 1925, *Northern Evening Despatch*, 'What Women Barristers are Doing'.

⁹⁷ *Daily Express* 8 February 1924

⁹⁸ 1851-1929, barrister, MP and Old Bailey Judge from 1920. His photographic portrait hangs in the National Portrait Gallery. He gained a reputation for being sympathetic to homosexual offences, see Houlbrook, M. *Queer London: perils and Pleasures in the Sexual Metropolis 1918-1957* University of Chicago Press: Chicago, 2006.

see letters *which* were part of the evidence. She stated that they were said to have been written by her client and were therefore crucial to the charge of fraud. She maintained, that without them, she would be unable to conduct a proper cross-examination. She believed the letters were essential to her defence. Desperately, she said: 'They [the letters] go all round the court, but I don't get them to cross examine on, and I am in a state of confusion.' This must have been annoying, because she could not get justice for her client, and also humiliating. The Judge replied 'You are under a disadvantage. I quite appreciate your difficulties but they cannot be helped.' Mr Abbott, for the prosecution, said that he would help Normanton all he could (clearly he had not thus far) and would give her copies of the letters. He did this, but only typed copies, which did not help her as she wanted to disprove authorship of the letters. This placed her at a disadvantage, so, with the ferocity of a true advocate, she pleaded this to the judge and demanded the originals, as it was 'all a question of handwriting', A Sergeant Gooch was in the Court and said that he knew all about the letters and would explain them to her. This sounds like kindness, but she did not need them explained, she needed to see the originals and it seemed that everyone was out to thwart her. Atherley-Jones commented that the Sergeant was 'ready to help a lady in distress-if you will accept help from the enemy'. Normanton retorted (graciously) that she would be glad of the assistance. Atherley-Jones adjourned the case for five minutes while the handwritten letters were finally examined. This is a good example of the kinds of prejudice and discrimination that surrounded women at the Bar.

Normanton's closing speech to the jury was described as business-like 'punctuated with brilliant flashes', occupying exactly one hour.⁹⁹ She declared 'You have heard an enormous amount of evidence in this case with a great deal of patience... I should think we have made the acquaintance of a considerable number of the car man population of London, but not one has spoken to handing a single thing to my client...'¹⁰⁰ One witness, she argued, 'adopted an attitude a little curious in its unctuous rectitude.' Letters by another witness suggested, she added, that 'he should be running a school for the teaching of writing business letters with a 'pull' in them.' Further, she believed that 'the opulent imagination of our merchants must be a great advantage to them, and when the wireless fails to interest them they must derive great satisfaction from reading their glowing correspondence.' Not perhaps the usual language or style of the dock barrister.

The next day, Eyles was acquitted.¹⁰¹ The jury was initially unable to agree a verdict, but, after retiring for a second time, returned a not guilty verdict. His two co-defendants were not so fortunate, both were found guilty of obtaining goods by false pretences and sentenced to 9 months imprisonment (second division¹⁰²). Atherley-Jones congratulated Normanton, saying 'You have in difficult circumstances conducted the case with considerable skill.'¹⁰³ It remains

⁹⁹ *The Wolverhampton Express* 7 February 1924 'Woman Barrister. Gallant Sergeant Offers to Help Her Out'.

¹⁰⁰ 7 February 1924, *Daily Express*, *Woman Counsel and the Jury*

¹⁰¹ *Daily Express* (Lighting up time), 8 February 1924, 'Win For A Woman Barrister'.

¹⁰² Prison was divided into three divisions. The third division was for habitual and common criminals, they were kept in their cells and given productive work. The first and second division convicts were inside for more trivial offences and were kept separate from the third division prisoners for fear of contamination. See Lytton, C. *Prisons and Prisoners* Broadview Press Ltd: Peterborough, 2008, p20.

¹⁰³ *Daily Express* (Lighting up time), 8 February 1924, 'Win For A Woman Barrister'.

unclear why Eyles was acquitted and the others not and to what extent it was due to Normanton's advocacy.

More Professional Jealousy

The *Manchester Evening News*¹⁰⁴ not only reported the Eyles acquittal but also the alleged reaction of Normanton's contemporaries. According to them she was warmly congratulated on her success by fellow members of the bar and particularly the new 'Portias'. They comment on the glare of publicity that had surrounded her career as she was one of the first to be called to the Bar, and that male barristers displayed a great deal of jealousy when they found a woman barrister getting too much of the limelight. They disclosed that one member of the Bar's irritation had led to the extreme step of complaining to the Bar Council. They conclude that the novelty of women barristers had not worn off and newspapers gave them far more publicity than they wanted or deserved. Women barristers were seldom to blame for the publicity.

Supporting Female attendants at the Royal Courts of Justice

Although Normanton's cases came slowly, she continued to try to help those with poor access to the legal profession. In March 1924 she approached Henry Snell, MP¹⁰⁵ for Woolwich East, regarding the issue of the poor pay of one of the Royal Courts of Justice female attendants.

¹⁰⁴ *Manchester Evening News* 8 February 1924.

¹⁰⁵ Henry Snell MP 1865-1944 Labour, Woolwich east, David Howell, 'Snell, Henry, Baron Snell (1865-1944)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

These women waited upon women of the jury, female witnesses and lady barristers. Snell's reply (presumably he was the MP for one of the attendants) indicates that she had written a letter for one of the attendants, Mrs Smith, to copy and send to him. Mrs Smith had been at the RCJ for 14 years, on £1 a week, and her request for a pay increase had been ignored. Mr Snell concluded was that the wages were adequate. We do not know whether Normanton continued this campaign but her action demonstrates that she was always available to help those she believed had a worthy cause. It was an extension of her belief in the law as a form of social work. Normanton was not given a locker at the Royal Courts of Justice until December 1927. Whether this was a direct result of her interference or whether it was because lockers were in short supply is not known.¹⁰⁶

Conclusion

Normanton now left her practice and travelled to America for a lecture tour. Her initial start at the Bar was good. She was being briefed. She had appeared in the High Court for her first case, and she was the first woman to be briefed in the Old Bailey and as a Dock Brief. We can see from the Eyles case that she was holding her own and fighting for her client despite lingering prejudice. However the Western Circuit rejection was a disappointment and highlights the issue of self-publicising that would continue to blight her legal life. She was carrying out her goal of opening up the law to women by practising at the Bar: paving the way for other women.

¹⁰⁶ Receipt from the RCJ dated 16 December 1927. WL: 7HLN/A/17

Chapter 6

America: December 1924-May 1925

*'America achieved. Statue of Liberty, admirably lit up... entrance to the harbour is incredibly beautiful, and skyscrapers prove to be just as impressive as their reputation and just as decorative.'*¹

Introduction

By 1924 Normanton had been in practice for almost two years. The Bar was notorious for the length of time it took to build up a practice² and we will see in the later chapters that her earnings were, and would remain, low.³ She must have been prepared for this. Perhaps given the controversy over allegations of self-advertising she not surprisingly took a career break and decided to embark on a lecture tour of the United States of America. This may have been a reaction to the length of time it took to build up a practice, perhaps she needed the money or felt that six months absence would not affect her career, or wanted to gain some distance between the professional jealousy and gossip that had been circulating around and about her.

¹ Delafield, E. M. *The Provincial Lady in America*. (1934), Virago Press, 1984, p.286.

² Boros, C.L. *Justice Henry Fielding's influence on law and literature* Xlibris Corp: New Jersey, 2010, ch 6; Oakland, J. *British Civilisation* Routledge, 2010, p.166; Rackley, E. *Women, Judging and the Judiciary: From Difference to Diversity* Taylor Francis Ltd: Routledge Cavendish, 2012, p.52.

³ This will be discussed in full in chapters 7, 8 & 9.

She had by this time secured a tenancy in chambers at 5 Stone Buildings, Lincoln's Inn.⁴

Perhaps she also thought it an exciting opportunity.

The American Connection

In July 1924 a delegation of American women lawyers visited London. A photograph appeared in many papers of Normanton leading a tour of these women around the Inns of Court.⁵

Normanton therefore had connections with American lawyers. Also, by this time, Normanton had been the subject of much newspaper reporting and, to a certain extent, had become a celebrity: the face of women's entry to the legal profession in Britain. This made her a marketable commodity in America, where a lecture circuit had grown since the Civil War.⁶ US Publishers struggled to meet the demand for authors, so turned to the European market to satisfy the demand. Literary celebrities such as Dickens and Wilde had appeared on the circuit, which could be extremely lucrative. In June 1924,⁷ Normanton began to look for an agent, indicated by a letter to William Feakins asking him act as her agent, as she proposed 'to make a lecture tour of the United States'. By September 1924 negotiations were being finalised and she wrote to Major James B Pond,⁸ of a commercial lecturing agency in America providing

⁴ British Phone Books 1880-1984. Her first business listing is 1924 p734 and she remained at 5 Stone Buildings until 1929, p937, when she moved to 3 Dr Johnson's Buildings.

⁵ 24 July 1924 *The Daily Star* 'American Lady Lawyers Visited the UK'.

⁶ Moran, J. *Star Authors: Literary Celebrity in America*, Pluto Press, 1999, p17.

⁷ WL: 7HLN/A/10. Copy of letter dated 17 June 1924.

⁸ Pond, was Major James B Pond, from a commercial lecturing agency that provided lecturers for literary societies and other local organisations. Moran, 1999.

lecturers for literary societies and other local organisations,⁹ confirming that she would be travelling to the United States of America on 27 December. She formally accepted a 50/ 50 financial agreement: 50% to the agency, 50% to be retained by her. The agency dealt with entertainment as well as education. Pond replied¹⁰ that he had announced that she would be going to lecture in America. They would charge fees of \$50 upward. He believed that high fees were necessary to cover expenses since he had made a 'heavy investment', but not so high that she was unaffordable to groups that interested her. From his experience, he thought that she would do 'quite well'. He warned her that 'only sickness, accident or circumstances' beyond her control would prevent her becoming liable to him for non-attendance. It seems likely that she undertook the tour at least partly to earn money. Her cases were infrequent, she may have felt that she had no choice but to earn as much as possible by cashing in on her fame to fund the rest of her career at the Bar.

A passport in her maiden name

In order to travel she needed a passport. In autumn 1924 she applied for one in her maiden name. The Passport Office refused to issue a passport in a married woman's maiden name.

Normanton explained:

'I went to the passport office myself and the clerks confirmed what the tourist agents had told me [that she could not have a passport in her maiden name]. Then I went to the chief of the legal department of the Foreign office, who said that as I had won

⁹ WL: 7HLN/A/10. September 1924 letter from Helena Normanton to Mr Pond of the Pond Bureau.

¹⁰ WL: 7HLN/A/10. 5 September 1924 letter from Mr Pond to Normanton.

*recognition from the Benchers of the Middle Temple to be a barrister at law in my maiden name I was entitled to a passport. I received it in due course and had no difficulty in getting the document visaed at the United States Consulate.'*¹¹

She added that her husband supported her claim to use her own name. *'Indeed when I had the difficulty in getting a passport at the Foreign Office he would have legally become Mr. Normanton temporarily to help me out, but it was not necessary.'*¹² Maintaining her maiden name was essential to Normanton, she rejected coverture, and believed that marriage was contract between equals.

American Interest in Normanton

American women gained the vote in 1920 and engaged in campaigns and issues concerning gender equality similar to those in Britain. By November 1924 Normanton's American tour was arousing much interest in the Press. The *Washington Herald* reported that¹³ 'England's most noted woman lawyer is coming to Washington to take up the fight started by the National Woman's Party over the right of married women to retain their maiden names'. This referred to a dispute that had arisen in August 1924, when the Comptroller General,¹⁴ John R. McCarl, handed down a decision that, in order to receive their pay, married women must sign their husband's names on the pay roll. Dr Marjorie Jarvis of St. Elizabeth's Hospital believed that not only had she a right to use her maiden name, but that her professional practice would suffer if

¹¹ The *New York Times*, 7 January 1925, 'Woman Barrister of England Here'.

¹² Ibid.

¹³ 24 November 1924, *The Washington Herald*, 'Fight for Maiden Name Wins Aid'

¹⁴ The Comptroller General was appointed by President Harding and was the Director of the General Accounting Office. This had legislative powers and was set up to ensure the fiscal and managerial accountability of the Federal Government.

she was compelled to take her husband's name and she fought this decision. According to the *Washington Herald*, 'Members of the National Women's Party are in the best of spirits that Helena Normanton is coming to help them with the retrial. In fact they are jubilant as Helena Normanton won the same sort of case in the UK'. The hope was that, as her case was based on Common Law (on which the US system was also based) they would also win. However, in December 1924 Normanton received a letter from the National Woman's Party in, Washington,¹⁵ informing her of Dr Jarvis' resignation for personal reasons, which was the end of the case. They concluded that, when Normanton was in Washington, they expected to see her, she was 'good publicity' and they thanked her for her support. Evidently Normanton had achieved public status as a women's rights activist and was viewed as a feminist role model.

We have some idea of the American lecture circuit at this time from E. L. Delafield's fictional (and ironic) *Provincial Lady*.¹⁶ The Provincial Lady was asked to go to America to promote her book. She described her amazement at receiving such generous terms, but¹⁷ was nervous about what to wear on such a trip, as America was seen as very modern and forward thinking. She recounted being taken by a tender to a ship that overawed her by its size. She, like Normanton, travelled without her husband. Her journey began well, with a nice cabin and fine food, but it was overtaken by appalling seasickness.¹⁸ On explaining to a fellow traveller that she was on a lecture tour, she met the comment that the type of women she would be

¹⁵ WL: 7HLN/A/10. Letter dated 16 December 1924.

¹⁶ Delafield, 1934, op cit.

¹⁷ Ibid, p. 263.

¹⁸ Ibid, p. 285.

lecturing to were ‘club women’, ‘large women with marcelled hair, wearing reception gowns.’¹⁹

On reaching America, the Provincial Lady was enthralled by the sight of the Statue of Liberty.

When she disembarked she was met by her publisher and taken to a hotel. She reported :

‘Come to conclusion that everything I have ever heard about American Hospitality is an understatement. Telephone rings incessantly from nine o’clock onwards, invitations pour in, and complete strangers ring up to say that they liked my book, and would be glad to give a party for me at any hour of the day or night. Am plunged by all of this into a state of bewilderment.’²⁰ She met her publicist (the equivalent of Major Pond) and gave endless rounds of interviews. The ‘Provincial Lady’ is obviously a comedy fictional character, but Delafield’s account provides some indication of how Normanton’s tour of America might have been.

On 28 December 1924 Normanton travelled to America. The fact that she was the first woman to travel on a passport issued under her maiden name was widely reported.²¹ The *Westminster Gazette*²² commented that she had succeeded where Ruth Hale, the Leader of the Lucy Stone League in America failed’.²³ The *Overseas Daily Mail*²⁴ reported that she had said that ‘her legal and only name in public and private life was Mrs Helena Normanton.’

¹⁹ Ibid, p. 289.

²⁰ Ibid.

²¹ The *New York Times*, 7 January 1925, ‘Woman Barrister of England Here’

²² The *Westminster Gazette* 29 December 1924, ‘Woman’s Passport: First to be granted in maiden name’.

²³ Also reported in the *Sunday Express* 28 December 1924. Ruth Hale was married to the journalist, Heywood Broun, and challenged the US State Department in 1921 over the right to be issued with a passport in her maiden name. They refused but issued as ‘Ruth Hale, also known as Mrs Broun’, a compromise of sorts. She was a founding member of the Lucy Stone League, whose motto read ‘My name is a symbol for my identity and must not be lost’. See Kramer, D. *Heywood Broun: A Biographical Portrait* Current Books: New York 1949.

²⁴ The *Overseas Daily Mail*, 3 January 1925.

Her tour was advertised in the American press with comments such as ‘she is a very able lady’ who has ‘a very businesslike suite of chambers in Lincoln’s Inn, and is building up a good practice.’²⁵ Publicity flyers²⁶ advertised that she would be available to speak on the following topics:

1. *Women & the law*
2. *The English law of divorce*
3. *The common law of England & America*
4. *Has a married woman a right to her surname?*
5. *English women of today who are making history*²⁷

The flyers stated her availability as ‘January to April’. Anyone interested was directed to the Pond Bureau for terms & dates. A magazine advertisement (totalling 4 pages) explained that she was in America and available for speaking engagements.²⁸ It provided a potted biography, describing her interest in history, and that she was related to ‘Alice de Montacute who in 1407 won the right for noblewomen to representation in the English Privy Council. On her paternal side her great grandfather was banker to Napoleon! And financed the Battle of Waterloo. He was the original Robert Moore in Shirley’.²⁹ It further advertised that she could speak on the following:

1. *The common law of England & America*

²⁵ *Empire News*, 4 January 1925, ‘Passport Report’.

²⁶ WL: 7 HLN/A/10

²⁷ WL: 7HLN/A/10

²⁸ WL: 7HLN/A/10

²⁹ WL: 7HLN/A/10

2. *Has a married woman a right to her surname?*
3. *Women & the law*
4. *The English law of divorce*
5. *English women of today who are making history*
6. *The Economic Position of Women in Present-day civilisation*
7. *Women in the Council Chambers of the World*
8. *Humour on Political Life*
9. *British Political personalities*
10. *Will Britain Go Red*
11. *Benjamin Disraeli, Earl of Beaconsfield*
12. *India, Britain's Greatest Problem*

Her Arrival in New York

On 6 January 1925 Normanton arrived in New York. She travelled on the White Star Liner, *Adriatic*, from Liverpool.³⁰ Normanton was obviously fearful of any breach of Bar etiquette as on 8 January 1925 she received a response to a letter she had written to Middle Temple about her conduct whilst in America. They wrote that they had no objection to her arguing a case in America if the court gave special consent; they also had no objection to her being Called to the Bar in America (she was not); they added it would be objectionable for her to sit behind

³⁰ As reported in the *New York Times*, 7 January 1925, 'Woman Barrister of England Here'. The *Adriatic* left Liverpool on 27 December 1924: UK Incoming Passenger Lists 1878-1960.

American Counsel, furnishing them with information as if an attorney's clerk. They would allow it if she was junior counsel, but advised her that it would be better to give the information in open court; lastly they said that there was no objection to her giving evidence.

Her first known engagement was on 11 January when she spoke on 'The Separation of the US and England' to the Association of the Bar of the City of New York.³¹ She may have had other engagements in January 1925 but the evidence has been lost. Her next known engagement was 13 February at 3pm. She was invited to the Astoria Hotel to speak to the National Women's Committee of the George Washington-Sulgrave Institution. A 'moving picture' was shown there on the same evening.³² On 17 February Normanton was the guest at the Dutch Treat Club, Hotel Martinique. Whose guest and whether she was paid is unknown. Another guest was Zathuretzky, one of the great violinists of the day.³³ Eleven days later she was guest of honour at the 'Portia Club' annual luncheon, at the Hotel Astor.³⁴

Appearance as a Witness

³¹ 21 January 1925. WL: 7HLN/A/10

³² WL: 7HLN/A/10

³³ WL: 7HLN/A/10

³⁴ 28 February 1925, WL: 7HLN/A/10

At some point during her tour she appeared as a witness (sometimes wrongly referred to as her conducting a trial in America³⁵) before the US Secretary of State³⁶ as reported in the *Law Journal*. The case involved Ruby Black (wife of the journalist Herbert A Little).³⁷ Black carried on where Dr Jarvis had withdrawn, demanding that she maintain her maiden name. She asked to be issued with a passport in her maiden name. A regulation introduced by President Wilson during wartime ruled that women could only be granted a passport in their husband's name. Normanton's archives contain a copy of the *Law Journal* report annotated in her writing:

*'Before this hearing, various courts in USA had refused to hear the case on the ground of lack of jurisdiction. Helena Normanton had nothing to do with procedure – was briefed to appear to state English Common law at the actual trial. It was finally decided that as the pleadings said a matter touching upon the prerogative of the President of the USA, the matter must be dealt with upon a petition to the President through the State War & Navy Department, the Secretary of State (Mr Kellogg) to sit as Judge & to report his finds to the President. This was done.'*³⁸

At the end of a long hearing, the Secretary of State ruled that the Petitioner might have emergency relief, a passport in her own name, but that it was such an important matter that it should go to the President for a ruling in relation to the American Constitution and in particular the fourteenth amendment. In November 1925, the National Women's Party reported that

³⁵ For example Lang E.M. *British women in the twentieth century* London, T Werner Laurie, 1929p166

³⁶ 21 November 1925, *The Law Journal*, 941.

³⁷ 21 November 1925, *The Law Journal*, 941. Ruby Black, 1896-1957, journalist and biographer of Eleanor Roosevelt, born in Texas, member of National Women's Party, Birth Control league, Woman's National Press Club and editor of *Equal Right's Magazine*; Stannard, U. *Mrs Man* Germain Books, 1977, p.206-207 and Howes, D. *American Women* Vols 1-3 Richard Blank Publishing Co. 1935, p. 51.

³⁸ P.36 of Normanton's scrapbook, WL: 7HLN/A/01.

several other applicants had been granted passports in their maiden names. The *Law Journal* reported that 'there has been left with the Secretary of State by the English Counsel who appeared, a bulky 'brief'(in the American legal sense of the word) containing the history of the English surname since the Norman Conquest. As during the hearing, the Secretary of State had avowed that 'he knew we (i.e. Americans) were under the English Common Law in the matter,' the conclusion reached affirming the legality of American married women's retention of maiden surnames is of great weight here, as it was an open secret in Washington that the Departments were so hostile in the matter that only a heavy preponderance of English Common Law and legal precedent was likely to prevent an adverse ruling.' Normanton's intervention was important. Her appearance as an English barrister, commentating on English common law added credence and weight to the women's argument. She was clearly well-prepared and argued her case well.

Other Engagements

Normanton's tour continued into March 1924. On the 7th she appeared at the Auditorium Hotel, where she spoke on 'Queen Elizabeth' in aid of the Elizabeth Garrett Anderson Hospital in London.³⁹ A lunch was given in her honour on the 13th by the Transatlantic Society of America at the Bellevue-Stratford.⁴⁰ She travelled to Canada to give further lectures. She was engaged by the Pond Bureau on 23 March to speak to the Montreal Woman's Club on 'British Women etc' for \$150⁴¹ and remained there until April.⁴²

³⁹ 7 March 1925. WL: 7HLN/A/10.

⁴⁰ 13 March 1925, as reported in the *Philadelphia Bulletin*. WL: 7HLN/A/10.

⁴¹ WL: 7HLN/A/10.

Normanton's Return to England

Normanton's tour was still being reported in June 1925,⁴³ but she left Quebec on the *Montrose*⁴⁴ arriving in Liverpool on 23 May 1925. She was obviously concerned that her conduct would be misconstrued, as she wrote a letter to Middle Temple whilst aboard the ship⁴⁵ which began: 'Upon my return to England I think it only respectful to inform you that' It is a long letter but essentially informed them that the first case in which she was asked to act in the US was settled and the second was a test case in which she was asked to act in conjunction with an American attorney, in which she gave a summary of the common law cases.' The letter on the face of it seems rather pointless, but when placed in context it can be seen that she was anxious that her behaviour would not be misconstrued as being against Bar etiquette. She was trying to be open and transparent.

Despite her Absence, the Gossip Continued

⁴² 4 April 1925 letter to Normanton c/o a hotel in Quebec. WL: 7HLN/A/10

⁴³ June 1925, The Canadian White Ribbon Tidings, Quebec province. Normanton scribbled on this report of her speech, 'In England there is a respect for law', in which she is described as 'the first woman barrister'. In red pen she wrote 'I shall never get this error out of the Press'.

⁴⁴ Canadian Pacific Line, passenger no. 208: Details from UK incoming passenger lists 1878-1960.

⁴⁵ 22 May 1925

Whilst Normanton was returning to England a letter arrived in London from a *Women's News and Views* journalist⁴⁶, enquiring as to whether she wore her wig & gown in the American Courts. Apparently this was a 'picturesque detail' which would add to an interesting account of the case Normanton 'argued' before the American Secretary of State. The journalist stated that she been informed by another female barrister that Normanton had applied to the Bar Council 'to tour America wearing her wig and gown' and that she had worn it on platforms. She said that the female barrister had seen in the Bar Council minutes.

Normanton's reply is revealing.⁴⁷ She politely thanked the journalist for 'asking before publishing'. She requested that the journalist not publish anything personal and would omit Normanton's name as she did not want any publicity. She explained that she had heard an account of the woman barrister's comments and advised the journalist to be 'very guarded'. Normanton explained that she had seen a letter on the Middle Temple library door stating that any barrister appearing at the Hague should wear full robes, therefore she applied to find out if his applied to any foreign court. Her exasperation became evident: 'As to travelling and lecturing in robes, the poor woman must think I regard myself as a sort of circus.' She said that the Americans would have thought her insane. The Bar Council made clear that she did not have to be robed, much to her relief. Sadly she concluded that the comments were 'malicious gossip' that tried to infer that she enjoyed attention. She added a post-script that no woman sat on Bar Council and therefore could not have seen the minutes.

⁴⁶ 26 May 1925 Letter from Stella Wolfe Murray journalist at *Women's News and Views* WL: 7HLN/A/17

⁴⁷ WL: 7HLN/A/17

Conclusion

Although evidence is limited and there are no records of her financial accounts we can assume that this was a successful tour. The media followed her, and she had numerous engagements, including meeting women's groups in America. The Pond Bureau was a large and successful lecture circuit agent with a vested interest in her success. She was establishing her own network of international women lawyers. This could only strengthen women's lawyers. Her tour contributed towards the continued momentum of the international women's movement. Her presence in North America presented women with a role model: an independent, successful, professional woman. The newspapers were enraptured by her. The *Chicago Illinois Tribune* reported that she was of 'medium height, though of ample proportions Blonde with small regular features set in a plump, smiling face. She has a voice to woo the hungriest ogre from his daily meal: it is soft, musical, with delicate inflections and a delightful utterance. Added to this she is an extremely clever, witty, genial speaker, easy in manner, quite able to make her points, and leaving an impression of a mellow wisdom delightful to meet in a controversial, fretful world...'⁴⁸ However, not everyone was so enthralled. In April she received a reply to a letter in which she appears to have accused American women of not having a genuine intention to fight for their own names. The National Woman's Party replied that American women did indeed: 'just that they haven't had an opportunity. Old style suffragists see the question of a name as trivial'.⁴⁹ It was not surprising that they were annoyed. Despite

⁴⁸ *Chicago Illinois Tribune*, 1 March 1925

⁴⁹ 4 April 1925 letter to Normanton c/o hotel in Quebec from National Woman's Party, Washington. WL: 7/HLN/A/10

this her autograph books displays real affection on her farewell of America, including 'Goodbye and come back', 'an affectionate au revoir', 'privileged to have met you'.⁵⁰

⁵⁰ WL; 7HLN/A/11

Chapter 7

Life and Work After America

*'... [W]e need a more complex understanding of the twentieth century, which recent research is beginning to make possible. A large part of the problem historians have encountered in interpreting events after 1918 relates to expectations. How soon could women have expected to overthrow thousands of years of male predominance in the political culture? Too much writing on this theme assumes that because there were not more dramatic changes in gender roles shortly after the partial attainment of the vote, therefore there were no significant changes. There is a danger of measuring impact of the vote by impossible standards, of expecting change to be unrealistically rapid, and of underestimating, by applying the values of later generations, shifts which were more significant in the context of the 1920s and 1930s than they appear with hindsight.'*¹

Introduction

By the summer of 1925 Normanton was back in London. Legal life was by no means easy as cases continued to be intermittent. Prejudice was still prevalent within the society and the

¹ Thane, P. *What Difference Did the Vote Make?* In Vickery, A. (ed) *Women, Privilege and Power*, Stanford University Press 2001, pp253-4

culture of the legal profession.² Still she persisted in her task of opening up the Bar to women. This period saw more accusations of self-publicising. Her practice began to move away from the divorce courts and became dominated by criminal prosecution work. Normanton also set her sights on joining the judiciary, an ambition that would never be realised.

Libel

Two months after her return from America, she considered bringing libel proceedings against someone, but there is no record of who this was, perhaps the female Barrister who was ‘gossiping’ about her. It appears to be referred to again in another incident in 1928,³ the full facts are unknown, but her archive contains a curious letter from a solicitor regarding a ‘libel’ about which Normanton had contacted him.⁴ It appears to relate to a newspaper report. She was advised that she had a ‘good prima facie case’ for libel. The solicitor did not know whether the defendants would justify themselves and ‘what they will allege as justification remains to be seen’, but in his view there was no justification. He told her to omit from the pleadings a complaint she been described as having a ‘manly appearance and that her collars are uncomfortable’.

² An example is 19 November 1926 she was ‘blackballed by the United Law Society.. Letter from Mr. Guedalla, solicitor, to Normanton to say that both he and his son had proposed her to join The United Law Society and that she was blackballed. He was very upset. WL: 7HLN/A/17. No records for this society exist.

³ See n. 23 below

⁴ 6 July 1925. Letter from Cartwright Sharp, of 3 Elm Court Temple to Normanton WL: 7HLN/A/26.

Commenting on a woman's appearance is an old, disappointing and unpleasant form of bullying that still persists today. Another example of this type of behaviour came in July 1937⁵ when *Punch* published a caricature of an obese 'woman' barrister examining a woman in the dock. The caption read: Lady Barrister: What is your age?' Witness 'About the same age as you.' Normanton commented in her scrapbook 'this caricature was sent me by M. T. Treasury who were of the opinion that it was meant to be me. HN'.⁶ The libel action was obviously her attempt to try to stop untrue and unfounded rumours about herself circulating in the Press as they were damaging to her career and made her the subject of disciplinary inquiries that carried the risk of her being struck off.

Evidence of her Commitment: *Moody v Lee & Beaulah*

Despite the problems concerning her practice and the fact that her cases were still infrequent, she displayed absolute commitment to those cases on which she was briefed and to her clients. This commitment was appreciated by solicitors who briefed her. In October 1926 she received a letter from a solicitor⁷ thanking her for her 'determined and persistent efforts' in a civil matter before the Court of Appeal where she represented William Moody (a painter and decorator). The case involved a collision between a bus and Moody's motorcycle, in which he and his wife had been injured. Moody had suffered significant injuries to his head, hand, ribs, leg, knee and abdomen, had been in bed for 12 weeks and had to hand his business over to his sons. The original trial had been heard in March 1926 and the judge found in favour of the bus

⁵ WL: 7HLN/A/04

⁶ WL: 7HLN/A/01

⁷ 15 October 1926. Letter from John Lewenstein Solicitors, Hull concerning the case of *Moody v Lee & Beaulah*, WL:7HLN/A/26.

company. Normanton appeared before the Court of Appeal in October 1926 and secured a retrial. The solicitor thanked Normanton for her efforts and praised her for her success which he believed 'may save him and his family from severe losses.'⁸

Normanton went on to represent Moody in the retrial⁹ and Mr Mortimer KC represented the bus company. She was only four years since call and was pitted against a KC. During the retrial, the court heard that, in the war, Moody had been an officer's chef, but because of the accident was no longer strong enough to return to this occupation. Normanton commented that cooking was highly skilled work, 'I always think so when I cook. Oh, I do. I see there is a lady on the jury, and she will, I suppose, be able to guide the jury on that point.'¹⁰ The Judge quickly returned 'What has this got to do with the case-unless Mr Mortimer makes the suggestion that the plaintiff could very well be an hotel chef?' Mortimer KC disclaimed the idea that they were suggesting that Moody return to this occupation and his junior barrister remarked (causing great laughter) 'Nobody who ever saw an Army cook would ever make that suggestion.'¹¹ The hearing was adjourned for the day.

The report of Normanton's courtroom style is troubling. Her comments were represented as trite and unprofessional. Yet, as a woman, she was aware that cooking was hard and skilled work and it was perfectly valid in a personal injury case that she examined her client's ability to

⁸ Ibid

⁹ 30 November 1926 *Yorkshire Post* 'Lady Barrister and Cooking. Retried Hull Case. Keen Prosecution of Plaintiff'.

¹⁰ Ibid

¹¹ Ibid

work in a field in which he had experience. But since women's domestic work was perceived as valueless, she was ridiculed for making what could be perceived as a very feminine suggestion.¹²

Fear of Publicity and 'Con-Men'

In January 1927¹³ Normanton replied to a request from a journalist, Honor Davey, for a photograph to illustrate an article she was writing about women at the Bar. Normanton's reply was a polite, but emphatic, negative. She wrote that she 'must protect herself against being accused of self-publicising'. Also in 1928¹⁴ she refused to write an article for the Women's Union Society for the same reasons. Her fears were not solely to do with self-publicising as in the 1927 reply she also wrote that it was dangerous to publicise a list of women barristers as there 'are con men who target women'. Apparently both Normanton and her sister were the victim of one such man. In 1938 she was accused by an art dealer of selling him paintings that had no value (he said they were not originals), she emphatically denied this and counter-claimed that he was, for want of a better description, a 'con man'. Middle Temple could not see how they could take further action and the matter ended.¹⁵

¹² Much has been written on this situating of women and women's work, see O'Donovan, K. *Sexual Divisions in Law* Weidenfeld and Nicolson: London 1985, and Eisenstein, Z. R. *The Radical Future of Liberal Feminism* Longman: London 1981.

¹³ See Normanton's reply 25 January 1927 WL: 7HLN/A/17

¹⁴ 12 January 1928 letter to Joan Firmin, Women's Union College, WC1, WL: 7HLN/A/17. She apologised for not replying sooner but had sprained her ankle.

¹⁵ MT.3/DIS/67

III Health

In March 1927 Normanton's practice was affected by her health.¹⁶ She offered her practice to another female barrister, Venetia Stephenson,¹⁷ while she had an operation. In a letter Normanton explained to Stephenson that because of her recent 'indifferent health' there was not much money in her practice, she had been 'avoiding work rather than encouraging it' but had not the 'heart to turn down Poor Persons work'.¹⁸ We do not know the reason for her operation but it appears to have been serious. She wrote 'I do not feel extraordinarily hopeful about my own operation. The surgeon has not given me a wonderfully good account of myself.' She left papers with Stephenson 'in case I don't make it through the operation'.¹⁹ It is unclear how long she was out of action.

¹⁶ WL:7HLN/A/17. Letter dated 5 March 1927, from Normanton to Miss Venetia Stephenson (at 1 Garden Court, Temple).

¹⁷ In a letter Normanton warned Stephenson that someone was spreading rumours and gossip about her (Stephenson) and that Normanton had done all she could to 'refute them'. Stephenson's 'crime' was to get 'a little too much work'. WL:7HLN/A/17. Stephenson was 30 when she entered Gray's Inn in 1922 and was called in 1924. She often waited with Normanton for dock briefs but never secured a tenancy. She worked as a law reporter (she was removed from the divorce courts for reporting the more salacious aspects) and died in poverty, see Polden, P, *Women at the Bar in England, 1919-1939*, International Journal of the Legal profession, Vol. 12, No.3, Nov 2005, pp308-309. She was the first woman to defend a prisoner in a murder trial (he was hanged) see Franz, N. A. *English women enter the profession* Cincinnati Publishers 1965. WL:7HLN/F/03,.

¹⁸ See ch 5.

¹⁹ These papers are carbon copies of letters from Normanton to a woman journalist. They concerned an unnamed woman barrister: 'I will not give the woman barristers name yet' and seem to concern a plagiarism case involving an undated article in Nash's magazine. Normanton stated that she had taken the advice of Sir Duncan Kurley KC. Nash's magazine brought a case for infringement of copyright against the 'Sunday Express'. 'They' (Nash's Magazine?) 'are holding their hand until they see the outcome of the libel action against me [Normanton], a highly speculative piece of litigation. I have a watertight defence of privilege and justification. Mr Cartwright Sharp is acting for me'. This is confusing and unclear.

Public Service

We saw from the reference to Poor Persons work that Normanton was still earnest in her desire to serve the public in general, not only clients. This is evident in the fact that she not only defended but also acted for the Prosecution. In the case of *R v Gray*²⁰ Normanton led the prosecution at the Old Bailey.²¹ The facts are straightforward, Robert Fairbairn Gray, aged thirty-one was a painter from Kings Cross. On the night of 14 October 1927, a woman, Mrs Ellen Rock, the wife of a costermonger, was going home when Gray stopped her. She tried to hurry away but he grabbed her by the throat and snatched her bag and ran off with it. He was followed by another man and apprehended. Gray pleaded guilty to the charge of robbery with violence, and it was discovered that he had a string of similar offences in the past. He was sentenced to '20 strokes of the cat' plus 3 years penal servitude.

Job Offer 1928

The Press interest in Normanton did not relent. In 1928 she was written about in the papers and thought it necessary to explain to Middle Temple that the matter was being dealt with.²² Despite this continuing behaviour and the infrequency of briefs, Normanton was determined to practise at the Bar. This was her way of continuing the struggle to open the Bar to women. We

²⁰ *The Daily Sketch* 20 November 1927 'Cat' for Human Satyr, Crook who Terrorised Women, Court Censure, Sentence of Three Years' Penal Servitude; also reported *Daily Mirror*, *Islington Post* 18 November 1927 and *Paisley Daily Express* 17 November 1927.

²¹ Before Sir Ernest Wild, Recorder.

²² By 1928 Normanton still had concerns 26 November 1928 Letter from HN to MT informing them that there would be a letter in the *Daily Chronicle* apologising for an article in which they attacked her.

can see this determination in May 1928 when she was offered work in finance.²³ This happened by chance whilst she was visiting a newspaper office to look at their files, where she met a 'world famous financier'. He took her to his office and offered her a five year contract with a salary in the thousands. She was, in her own words, 'surprised' and asked the financier why he thought she would leave the Bar. He replied 'for the past 7 years you have been sniped at almost every day of your life from behind your back, not of course by eminent people in the legal profession, but by people at the fag end of it, as you must know very well. And the process is still going on, isn't it?' She answered 'Yes' and asked him how it was that he knew so much about her. He replied that he did not offer a woman work for a salary of thousands without knowing intimately about her. He had made enquiries and been in touch with all the editors in Fleet Street. He commented, 'there has been one point which pre-disposed me more towards you than anything else, which was that you were able to treat with silent dignity and contempt what would have caused 99 people out of 100 to scatter around any number of writs for libel and slander. I very much like your attitude of leaving things alone, although I cannot see what there is in the legal profession for you or for any really gifted woman for the next twenty years. It will be nothing but a few cheap county court and Sessions briefs, and why should you bother about that kind of thing? How can it possibly be worth your while?' She felt it was curious that he should ask this when she was coming near to taking action (we have no record of what this refers too, it is possibly a libel against the gossip that surrounded her career). He said he hoped she would not, that she was safer ignoring it; someone had been

²³ WL:7HLN/A/17. Letter from Normanton to Albert Crewe (of 3 Plowden Buildings, Temple, she would join these chambers in 1932), 14 May 1928.

leaking news and words from the Bar mess and she should not take action, for it would look like a vendetta against the culprit. She did not accept the job.

The end of the 1920s saw her give up metropolitan living when, in 1929, she left her house in Mecklenburg Square and moved to the suburbs, to Beckenham.²⁴ She also changed chambers the following year with a move to 3 Dr Johnson's Buildings, Temple.²⁵ Changing chambers was not unknown. Chambers were much smaller than now and sometimes just collapsed, for instance if the head became a judge, so her move was not unusual.

Fee Book No. 2 1930-1939²⁶

Normanton's archives contain her one remaining fee book for 1930-1939. The information it contains is often sketchy. It appears that in 1930 she dealt with thirty cases. Twenty-five of these were Poor Persons cases, so were not financially rewarding. The other five were paid. In 1931 she had forty three cases, thirty-six of them were Poor Persons. In 1932 she dealt with forty-three cases, including twenty-five Poor Persons; in 1933 thirty-one cases and sixteen of these appear to be Poor Persons. In 1934 she had twenty-nine cases, of which only three appear to be Poor Persons. In 1935 thirty-five cases, and apparently all paid work; in 1936 twenty cases; 1937 she only appears to have dealt with nine cases. In 1938 she had twenty-

²⁴ 25 Aldersmead Road.

²⁵ British Phone Books 1880-1984, p.1023. She would only remain there for a year, as in 1931 she is recorded as being in chambers at 3 Plowden Buildings, Middle Temple and remained there until 1939.

²⁶ WL: 7HLN/A/13

four cases, in 1939 thirty some of which appear to be Poor Persons. The information is not very clear but shows she was being briefed but not very lucratively or frequently.

It is hard to ascertain the exact nature of every case. It appears that eighty-three of these cases were divorce matters. She seems to have acted for the prosecution in at least twenty cases and another ten cases were for the defence. She had five breach of promise cases, three involving wills, one libel, four child custody and one employment case. The majority of cases took place in London courts, but she also appeared to have a strong legal link with Leeds.

R v Aynsley 1930

In March 1930 Normanton became engaged in one of her most famous cases, *R v Lesley Aynsley*.²⁷ This was the first time that a woman had led the defence in a trial for *attempted* murder.²⁸ The case was held at Newcastle upon Tyne Crown Court, before Humphreys J.²⁹ Aynsley was a 23 year old plater's help (this was an assistant to a structural steel engineer). He was charged with the attempted murder of his wife Ethel, aged 19, and father in law, John Hume. The Prosecutor, Mr C. B. Fenwick,³⁰ alleged that this was a savage hammer attack. It was a difficult case for the lawyers as Aynsley's wife, and victim, refused to give evidence. The

²⁷ *Lancashire Post*, 3 March 1930 'Woman Barristers Defence of Young Husband'.

²⁸ *Edinburgh Evening News*, 1 March 1930.

²⁹ This appears to be Sir Travers Christmas Humphreys, see F. H. Cowper, 'Humphreys, Sir (Richard Somers) Travers Christmas (1867–1956)', rev. Alec Samuels, *Oxford Dictionary of National Biography*, Oxford University Press, 2004. He was a respected judge who had been a junior barrister in the criminal libel action against Lord Alfred Douglas's father. He was also the junior barrister in the Crippen case and the similar fact evidence precedent of *R v Smith*.

³⁰ He was a KC whose mother was Ethel Gordon Fenwick, 1857–1947, a nursing pioneer and campaigner for a nationally accepted nursing certificate, see <http://www.kingscollections.org/nurses/d-f/fenwick-ethel-gordon>.

defendant was also clearly mentally unstable. There was a feminist issue in that the wife claimed to be devoted to her husband (or terrified of him) but he had caused her great harm and she needed protection, even from herself. The medical officer of Durham Gaol said that Aynsley had been in a state of 'maniacal excitement' at the time of the attack and he had apologised for hurting his wife, but in the 'way that you would if someone trod on your foot'.³¹

Normanton was described by the Press as 'unruffled and self -possessed A matronly woman with a soft and silvery voice, conducted her case with ability and incisiveness.'³² The victim's mother sobbed loudly throughout the trial. The Judge believed that the defendant was in the early stages of insanity and kept pushing Normanton into using this as a defence, asking whether she would ask the jury to find a verdict of insanity. She replied 'I intend to plead with medical evidence that I can adduce, and I must leave it to the jury to find on that evidence what state Aynsley was in.' The judge persisted 'You will have to do that in any case, Mrs Normanton. You need not tell me what your defence is. I was only trying to help you.' Normanton retorted 'I appreciate your kindness, but this is a borderline case, and I am in that difficulty.' The judge behaved in a kind but paternalistic way. He was 'helping' her, but she was a barrister of eight years call and 48 years old. His comments could have undermined her credibility in front of her client and, most significantly, the jury.

³¹ *Edinburgh Evening News*, 1 March 1930.

³² *Ibid*

The witnesses also proved problematic. The defendant's mother in law explained in examination in chief that she saw Aynsley strike her daughter with something grasped in his fist. In cross examination Helena asked 'You cannot say what Aynsley had in his hand?', to which Mrs Hume replied 'No, Ma'am' Normanton persisted in questioning about a hammer produced in court, and the judge interrupted: '[T]he witness seems more accurate than you as to what is admissible in evidence, Miss Normanton. She did not see it, and prefers to say nothing about it.' Normanton stumbled, 'I did not intend my questions as your Lordship appears to think.' She clearly wanted to test the evidence. The defendant was believed to have used a hammer which had been produced in court. The only witness to the attack (the mother-in-law) maintained that she had not seen what he was using. Why not? Had she really seen the attack? How close was she? Was her view obscured? It was perfectly proper for Normanton to ask the questions. She may also have wanted to plant seeds of doubt into the jury's mind as to the witness' reliability. The judge, on the other hand, viewed this as almost sharp practice. He believed that Normanton was leading the witness excessively .

The doctor, called by the prosecution, admitted that he did not inquire too closely into the issue of insanity. Normanton asked him in cross examination: 'Look at the hammer doctor and please take off the label. [He did] If you had the intention to murder a person with that hammer, could you do it?' The doctor replied 'It would depend on whether the person was passive or not.' Normanton persisted ' [H]ow would you hold it?'. The doctor replied 'I must say that I have no intention...' and there was laughter throughout the courtroom. This made her sound incompetent. The doctor was an expert witness on the injuries inflicted by the

hammer on the victim and the defendant's mental state. He could not answer questions as to what weapon a murderer would use or how best to hold it in order to cause maximum injuries. She was making a valid point: she needed to examine the weapon and the wounds that it could inflict, but this was not the correct expert to ask.

This case as reported does not sound like a triumph for Normanton, but the result was. She asked the Crown to accept a plea of guilty to unlawful wounding, which was agreed, and the jury returned a verdict accordingly. Aynsley was not tried for attempted murder (which carried a life sentence) but pleaded guilty to a lesser charge. The news reports and references to the judge's comments and the court's laughter make her seem inexperienced and uncertain. Yet she stood up to the judge and stated her case. She asked relevant questions in cross examination and planted seeds of doubt. The case was difficult, as she admitted in court. One of the victims was the defendant's wife. She refused to give evidence, wishing to 'stand by her man'; yet Normanton would have been aware of the frequency of violence against women and vocal in campaigning for better protection for women, recognising that they often would not give evidence for fear of retribution from the man. In sentencing, the Judge said that he did not regard Aynsley as an ordinary criminal because of his mental state and he would sentence him to 12 months imprisonment (second division), but if he was judged insane during his sentence he would be sent to a lunatic asylum, which was precisely what happened.³³

A Typical Hotel Case

³³ WL: 7HLN/A/04, handwritten note in her papers.

‘Hotel cases’ were typical divorces, where the case was undefended and both parties were anxious to bring the marriage to an end. One party would confess to adultery and corroboration to the adultery was provided by a hotel receipt or calling a witness from the hotel staff. By the 1930s these cases were causing concern and were a factor in the implementation of the Matrimonial Causes Act 1937.³⁴ On 4 March 1930 Normanton dealt with such a case. She was continuing the Parsonage divorce matter which had been delayed by order of the judge, Mr Justice Hill, from 3 February 1930. The judge had insisted that the adulterous husband should name his mistress. This was to be a warning to husbands. Normanton remarked in court that this was a typical hotel case. Normanton was acting for the wife and informed the court that the other woman had been informed of the proceedings and served with notice to attend, but she did not. The judge had no choice but to order a decree nisi and said that he would continue to adjourn such cases and award costs against husbands who would not reveal the name of the woman.

Another Change of Chambers

Normanton stayed at 3 Dr Johnson’s Buildings for only a year, moving then to 3 Plowden Buildings, Temple.³⁵ Such a quick move may reflect an issue with the clerks or other members of chambers. In July 1931 she was elected to the North London Sessions Bar Mess.³⁶ This was an association of and for barristers operating within the South Eastern Circuit (covering

³⁴ Cretney, S. *Family Law in the Twentieth Century* OUP 2011, p. 176.

³⁵ British Phone Books p.1245

³⁶ WL: 7HLN/A/22

Snaresbrook, Harrow and Wood Green courts). Its purpose was to promote barristers' interests and standards.

Crown Court Work: More Dock Briefs.

This period of Normanton's life saw her mainly in the Crown court, more often than not as a 'Dock Brief'. It appeared that she was turning into a 'criminal hack' (a lawyer who only acts for defendants in criminal cases and at the junior level, such as 'Rumpole').³⁷ However, we will see in the next chapter that the opposite happened, she took on more prosecution work. In August 1931 she acted for Annie Dunn,³⁸ a 25 year old accused of converting £129 of holiday club money for her own use.³⁹ Dunn ran a holiday club for fellow employees at Messrs Rowntrees of York. Normanton appeared both at the committal stage in the Magistrates' Court and in the Crown Court. She argued strongly in the Magistrates' Court that the more serious charges of larceny be dropped and that the matter should be tried there and then in the Magistrates' Court. This would have been preferable as the Magistrates' Court had more limited sentencing powers than the Crown Court, where a charge of larceny would be heard. However, after much discussion, Normanton advised her client to reserve her plea and be committed to the Crown Court. The suggestion was that this was in order for the real perpetrator to be brought to court.

³⁷ A barrister who practices mainly in crime, not the most lucrative of employments.

³⁸ *The Northern Echo* 5 August 1931

³⁹ Dunn ran a holiday club to fellow employees at the Messrs Rowntrees of York.

The Crown Court hearing was held in October 1931⁴⁰ and Dunn pleaded guilty to 3 charges of fraudulent conversion. Normanton's role was to present the court with a plea of mitigation in an attempt to lessen the sentence. The Court heard that Dunn was Treasurer of the Holiday Club and also pregnant and unmarried. The father-to-be had left for South Africa and Dunn stole the money to pay for her passage to follow him. She disappeared on the eve of the girls' annual holiday, but only travelled as far as Leeds, where she was arrested. She had only £17 16s 11d of the money left. She had no previous convictions, earned £2 4s per week and was desperately anxious to repay the money. She was spared a custodial sentence and bound over for six months. 'Bound over' is a legal term for a sentence which requires that the convicted defendant refrains from committing another crime within that period or faces being returned to court and resentenced. This was an excellent result in a matter of theft. A condition of bond was that she should repay the money. Normanton announced to the court that Dunn would repay £80, but the Recorder said he only knew of £32 10s owing. This sounds typical of Normanton: while defending her client she wanted to ensure that justice was done for the women who had been deceived. Her client had obviously told her the truth about the amount of money taken, rather than the amount that the prosecution could prove.

Normanton's main employment appears to have been from dock briefs, and so we can presume that she was not earning a lot. To give a flavour of the experience: in September 1932⁴¹ she was waiting in court at the Old Bailey with Venetia Stephenson when a prisoner was reported in

⁴⁰ *News of the World* 25 October 1931

⁴¹ 16 September 1932, *Liverpool Post*, 'Women Counsel Popular'.

the *Liverpool Post* to have said 'I'll have that one.' The other defendant selected Stephenson. Neither defendant realised that they were women.⁴² On discovering the truth, they did not change their minds and the Recorder is reported to have commented 'You have both made a wise choice.'⁴³ Normanton remarked in her scrapbook⁴⁴ 'Every Little Helps!' *The Evening News* commented 'But now it has been repeatedly indicated that the prisoner is unable to tell if the counsel of his choice is a bloke or a woman barrister, the uselessness of the system is demonstrated'. They called for the system to be abolished as it was derogatory to both sexes. In April 1933, Sir Montagu Sharpe, chairman at the Middlesex Easter Quarter Sessions, agreed to allow prisoners with dock briefs to come to the front of the court to choose their counsel. He pointed out that, previously, prisoners had not been able to see the faces of counsel. He believed that it was now desirable they should do so-especially as there were women barristers present.⁴⁵ Why should it have made a difference if the barrister was a woman or a man?

Failed Prosecution

Normanton appears to have been fairly successful in her practice (in terms of winning). However, in January 1933 she lost her only case for the prosecution. It involved a defendant, Annie Bines (49), who was on trial at the Old Bailey for bigamy.⁴⁶ Her first husband was a seaman during the First World War and she was informed that he had been torpedoed and killed in action. She remarried in 1918. Her father-in-law appeared as the main witness for the

⁴² 21 September 1932, as reported in *Sketch Weekly*.

⁴³ Ibid

⁴⁴ Next to the report of 17 September 1932, *Evening News*, 'A Brief From the Dock'. 7HLN/A/01

⁴⁵ WL:7HLN/A/01, 9 April 1933.

⁴⁶ *News of The World* 22 January 1933

prosecution, arguing that the torpedo story was one of mistaken identification, although he could not provide any evidence that his son was alive. Indeed, it was never proved that the first husband was actually alive in 1933. . The Recorder, Sir Ernest Wild KC, remarked that she should never have been prosecuted. Mrs Bines was so poor that the detective on the case, Mr O'Sullivan, provided her with money out of his own pocket to get home. On discovering this, the judge said that the detective should make sure that he got his money back, adding that he had behaved admirably. Normanton remarked in her scrapbook:

'Between 1923 & 1933 this was the only unsuccessful prosecution by HN. The principal witness for the Crown was very deaf and the Learned Judge soon got very angry with him and finally said he did not believe a word he had said. He was Mrs Bines's father-in-law and had (so he said) often shown her affection when his son was alive, he believed that the torpedo story was a matter of mistaken identification.'⁴⁷

Normanton's other prosecutions were much more successful. In September 1933⁴⁸ she prosecuted two brothers⁴⁹ who entered the home of 'Mrs Edward James in Park Lane, [and] seized her German maid'⁵⁰ They pleaded guilty to assaulting the maid with intent to rob and were both sentenced to twelve months imprisonment by Judge Whiteley.⁵¹

⁴⁷ P.29 WL: 7HLN/A/04

⁴⁸ *Daily Express* 16 September 1933, *Jersey Morning News* 16 September 1933, 'Attacked Maid Prevents a Robbery, Screams Frighten Intruders at Dancer's Home'. *The Star*, 15 September 1933. *Marylebone Mercury*, 23 September 1933.

⁴⁹ :Frank Povey (26) and his brother Reginald Povey (21).

⁵⁰ *Daily Express* 16 September 1933.

⁵¹ This must have been Cecil Whiteley who was a KC and judge. He had a distinguished career, also acting for the prosecution with Travers Humphreys in the 'Brides in the Bath' case (see n104) and also acted for the defence in the Bywaters murder trial in 1922. This case is a clear example of social attitudes towards women's sexual desires. Bywaters had attacked and killed his lover's husband. She was hanged (probably pregnant) despite the fact that there was no evidence that she physically participated in the murder and barely any evidence that she planned the

The Proposed Association of Women Barristers

In January 1933 she proposed at the Annual General Meeting of the Bar Council⁵² that women barristers should have an Association of Women Barristers. Her rationale was that this would entertain foreign women barristers and promote educational studies. She assured the Council that there was no question of creating a rival to the Bar Council. It seemed a modest request. However, it was rejected by the majority of other women barristers who felt they would rather be governed and have their interests protected by the same authority that dealt with their male colleagues. She clearly felt that the way forward for women barristers was to unite and act together to promote their interests. Others felt that they wanted to operate within the current system. Normanton may have had the right idea, given that discrimination remains rife within the legal profession and few women fill senior judicial posts. Certainly, in November of that year,⁵³ *The Queen* reported that a judge had said that he regretted that there were not more women practising. The magazine commented that plenty of women being called to the Bar, the problem was that solicitors did not use them. In its opinion, women conveyancing barristers were doing well, but those appearing in court were few, because there was strong prejudice against them.

Further Accusations of Self-Publicising

attack. She was promoted as a wicked woman, who indulged in extra-marital and illicit sex with her lodger. Whitely wrote a brief biography: Whiteley, C. *Cecil Whiteley, Brief Life* Macmillan Publishers 1942, as referred to in *Solicitor's Journal* 1942 Vol 86 p303. These details are not relevant here.

⁵² WL: 7HLN/A/04

⁵³ 29 November 1933 *The Queen* 'Women in the News, Women as Barristers'

In March 1933⁵⁴ Normanton received yet another letter from the Bar Council, this time asking her to account for articles written in *The Daily Sketch* in which she was described as the ‘senior practising woman barrister in England.’ Normanton replied to Mr Godson at the Bar Council,⁵⁵ ‘No descriptions of myself are ever furnished by me to the Press nor any interviews, nor any personal news.’ She continued that she neither saw nor furnished the paragraph complained of, in fact she was seriously ill in bed (the doctor was visiting twice daily) and under a sleeping draft, when it was published her husband saw it and rang the newspaper straight away to complain. She maintained that she did not write for the newspaper, rather they paid her a fee to use extracts from her book. Rather belligerently she added: ‘As a matter of fact I am not at all keen to be described as ‘the senior practising woman barrister at the English Bar,’ although it is mathematically correct.’ She stated that this might have come from the late Dr Blake Odgers (a CLE lecturer and renowned legal writer) who pointed out the rules of seniority at the Bar and he might have communicated this to the Press via the Press Agency at the Council of Legal Education when Ivy Williams announced that she had no intention of practising. Normanton did not stop there, but continued that the title was not one she had adorned herself with and could see nothing in it (which she wrote she did not mean ‘discourteously or flippantly’). She persisted that when she was invited by French colleagues to attend a women lawyer’s event, the matter was raised by some other women barristers. The Bar Council looked into it and concluded that she was the most senior among practising women barristers. She continued that she could not order the Press not to call her that, only ask them not to out of courtesy for

⁵⁴ 10 March 1933 WL: 7HLN/A/07

⁵⁵ 13 March 1933 WL: 7HLN/A/07

her. The description she felt was not inaccurate, in view of the Bar Council's own ruling.

Finally, she stated that she had done all she could to keep her personal life out of that papers, constantly turning down publicity that would be lucrative. If anything was written about her it was not because she liked it, it happened despite herself. The Bar Council's reply to this rather long letter is brief,⁵⁶ stating that they had considered her reply and were glad to have her assurance that she was in no way responsible for the description. Normanton was now more confident and disgruntled by the continuing allegations of self-publicising. She may have felt that she should not be expected to continue defending herself. She had told the Bar Council once and that should be an end to the matter. Her letter was perhaps rather tongue in cheek.

She was not quite so confident in August 1933 when she had cause to write to Mr Godson at the Bar Council again⁵⁷ excusing her behaviour in relation to an article she had written for the *Daily Herald* 'in haste'. She explained a boy was waiting for her to take the piece straight to the Press office. The article was published with a photo of her, despite her instructions not to do so. They also referred to her as 'the most senior practising barrister'. She said that this never occurred to her and was beyond her control. They replied the next day noting her letter in case anyone wrote in and sympathised that captions were difficult to regulate and she had no doubt takes steps to deal with them.

⁵⁶ 4 April 1933

⁵⁷ 24 August 1933 WL: 7HLN/A/07

Benson v Benson Divorce

In December 1933 Normanton conducted a divorce matter in which she represented the wife, Mrs Benson. The case involved a theme that was close to her heart and later caused her to break away from the Married Women's Association⁵⁸ and form her own group, The Council of Married Women⁵⁹. At the time of the action, the husband was serving 7 years penal servitude for attempting to murder his wife.⁶⁰ The case took place in the Leeds Assizes before Swift J.⁶¹ Normanton opened by asking for a divorce on the grounds of two counts of adultery and asked for custody of the child, aged 8, to be granted to the mother. The husband denied the charges of adultery, brought counter charges against his wife and finally requested custody of the child. The judge is reported to have asked Normanton 'What do you imagine that he proposes to do with the child if I give him the custody of it? Is he going to take it to Dartmoor?' To which Normanton replied 'I would like to be there when he presents it to the Governor of the Prison.' The Judge said that this was ludicrous, granted a decree nisi and custody of the child to the mother.

⁵⁸ See ch 2.

⁵⁹ WL: 5CMW/A

⁶⁰ 11 December 1933, *The Times*, 'Convict & Custody of Child'.

⁶¹ This must be Sir Rigby Philip Watson Swift, who was from the North of England and although he lived in Sussex made a point of going on circuit every two years. He had been a successful barrister, KC and then judge who presided over many infamous cases of the day. He was a strong supporter of marriage but recognised that the divorce law was harsh and could produce difficult results, see J. E. Singleton, 'Swift, Sir Rigby Philip Watson (1874–1937)', rev. Alec Samuels, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

Swift J added that the Benson case was tragic and if the wife had not been able to prove adultery before the husband went to Dartmoor she would have been bound to him for the seven years of his imprisonment. He commented:

‘Cruelty and attempted murder and seven years’ penal servitude are, in this country, no ground for the wife to obtain her freedom from her husband. But fortunately in this case she satisfies me that his activities as a man were not solely confined to wife beating and ill-treating and attempting to murder her but were directed to procreating children by other women. The custody of the child of eight who was the unhappy result of the union of these two people to be given to a man of who has been sentenced to seven years’ penal servitude for attempting to murder the child’s mother would be a monstrous proposition and I shall not be a party to it.’⁶²

Normanton noted in her scrapbook that ‘[T]he learned judge sent for H. N. to his room at the end of the sitting and warmly congratulated her on the mode in which she has conducted the Petitioners case.’⁶³ We saw previously that this was exactly the type of case that led Normanton campaigning for change in the divorce laws for women

Indeed, shortly after this trial, Normanton used this case to arouse public opinion to change the law. She used the Press, not to advance her own career, but to advance women’s rights and for a change in divorce law, by writing in *The Daily Herald*⁶⁴ on the state of the divorce laws in

⁶² *Sunday Times* 10 December 1933

⁶³ P. 26 WL: 7HLN/A/04

⁶⁴ *The Daily Herald* 11 January 1934 ‘Prisons Within Prisons’

England and Wales. In her scrapbook⁶⁵ she noted 'The Daily Herald was anxious for me to write a Divorce Law Reform article under the heading of the Benson case but as I had appeared for the petitioner I asked to wait for a month until my own name as Counsel should have faded from the public memory. I also consulted the BAR COUNCIL in great detail about this article and fully complied with their views. HN.'

The article argued that the current law was 'outworn'. She illustrated this with the *Benson* case, arguing that if Mrs Benson had not been able to prove adultery before he tried to kill her she would have been left with no redress. She also used the 1922 *Rutherford* case⁶⁶ to illustrate her point. This case involved a wife's appeal for a divorce from her husband which was rejected. The husband, Colonel Rutherford, had been found guilty of the murder of Major Setoff. He was found to be insane and was sent to Broadmoor. As he had not committed adultery there was no redress for Mrs Rutherford (who was quite young). At the Appeal, Lord Birkenhead gave a judgment that appealed for a change in the law, stating that it was 'unfortunate, that she should thus be tied for life to a dangerous and homicidal lunatic, after having for many years suffered both in body and spirit from his unfaithfulness and cruelty. . . . She must look forward to a loneliness from which she can escape only by a violation of the moral law. To some this may appear a harsh and even inhuman result, but such, my lords, is the law of England. It rests with Parliament to end a state of things which, in a civilized community

⁶⁵ WL: 7HLN/A/04

⁶⁶ 11 November 1922 *The Spectator* 'A Victim of the Law' p. 33.

and in the name of morality, imposes such intolerable hardships upon innocent men and women.’ She called for an acceptance of Holford Knight’s draft Bill which embodied the Majority Report of the Royal Commission on Divorce of 1912, which added the grounds of desertion for 3 years, cruelty, incurable insanity, incurable drunkenness, and imprisonment under a commuted death sentence, all of which would apply to both sexes.

Breach of Promise

Her cases remained in the junior division of work, as can clearly be seen in 1936 when she conducted a breach of promise case which was widely reported.⁶⁷ With Normanton’s assistance, her client was awarded £1, 250. The case centred around Miss Stacey, Normanton’s client, who had been given 3 rings by her ‘fiancé’ (Mr Phillips), which induced her to move in with him.⁶⁸ However, once ensconced, he did not repeat the proposal of marriage but kept putting it off. It was reported that intimate relations took place, she became pregnant and miscarried. The partnership became unhappy, they slept separately and she left him, as she did not want just to be his mistress. She had been the victim of this sort of behaviour previously; in 1910 she had married a man who was found to be already married. The reason for the wide reporting of this case was Normanton’s involvement and because the woman had allegedly thrown a lighted lamp at Phillips, cut him with a carving knife, and threatened to shoot him, smash his window or scratch his face, yet she still won damages. Normanton’s success

⁶⁷ 24 January 1936, *Daily Express* ‘Feminists give a big hand to woman barrister Helena Normanton’. Also in *Wood Green Sentinel* 30 January 1936; *Grimsby Evening Telegraph* 23 January 1936; *Daily Mirror* 24 January 1936 and the *News of the World* 26 January 1936.

⁶⁸ Cohabitation was not unusual at this time because of the difficulties with divorce and there was legislation that recognised these unions, see Thane, P. *Happy Families? History and Family Policy* 2010 Report for the British Academy, p.28.

prompted *The News Review* to comment: ‘Women barristers who usually spend time sitting in court watching and waiting for cases which never come their way, have been smiling sweetly on brother barristers’⁶⁹

The 1930s were a difficult time for any barrister. The *Leader* reported ‘Very Little Bread and Jam for lawyers Today!’ It described how there was not enough work for the existing 10 000 barristers (not all practising) let alone newly qualified ones. It highlighted that this was because the public did not have direct access to barristers; it was expensive to qualify; self-advertising was prohibited; and the number of had dropped by two thirds. The days of ‘oysters and Chablis’ had gone. They did not give a reason for this decline, but it was probably due to the depression.

Lady Emma Clark Beilby’s Will: A Rare Chancery Case

Normanton had a break from junior work with a rare Chancery case in May 1936,⁷⁰ which she lost. The action concerned a disputed codicil in the will of Lady Emma Clark Beilby⁷¹ concerning the revocation a gift of £2000 to the National Union of Societies for Equal Citizenship (NUSEC). Normanton appeared in the High Court on behalf for the NUSEC on one of whose committees

⁶⁹ 30 January 1936.

⁷⁰ 7 May 1936.

⁷¹ Lady Emma Clark Beilby (1858-1936) was an campaigner for women’s entry to the engineering profession, see Law, C. *Women, A Modern Political Dictionary*, I.B. Tauris Publishers, 2000, p.24. She was married to a Scottish Industrial Chemist (C. H. Desch, ‘Beilby, Sir George Thomas (1850–1924)’, rev. John Bosnell, *Oxford Dictionary of National Biography*, Oxford University Press, 2004) and it is unclear why she withdrew her gift.

she had sat during the campaign to open the legal profession up to women. This could have been a marvellous opportunity for her to break away from crime and divorce work.

More Crown Court Work

However, in September 1936 she was back in the Crown Court. Even if her cases were at a junior level they were certainly interesting. This case involved the use of witchcraft.⁷²

Normanton acted for one of the defendants, Mrs Reader, who had been charged under the Vagrancy Act. It was alleged that they used certain crafts, i.e., palmistry, to deceive and impose on certain of His Majesty's subjects. The police had used agents provocateurs, who on visiting the defendant's apartment were charged 2s 6d to have their fortunes told. Normanton fiercely defended her client, asking one prosecution witness: 'I put it to you that Mrs Reader told you once she was not a fortune teller and could not tell fortunes?' The witness replied 'I cannot say that.' Normanton continued 'Some things she told you were not particularly flattering were they?' The witness replied 'No.' Normanton: 'I dare say what she gave you was, on the whole a description of your character and personality?' Again the witness replied 'Yes.' Normanton 'And some of it was true?' Witness 'Yes.' The witness then admitted that she did not believe in fortune telling. Mrs Reader told the court that she could not make a living from this work, just £1 a week from her clients, and that she possessed insider power which enabled her to quickly sum up people (though she had failed with this client). She denied that she practised palmistry, stating that her power was similar to that of a water- diviner. She made no claim to be a fortune teller, and only put 'Palmist' up outside her house to attract people. In her closing

⁷² 14 September 1936, *Worthing Herald*, 'Woman with 'Curious Psychic Powers', Users of 'Subtle Craft' Fined at Worthing Court'.

speech Normanton argued that the defendant's behaviour did not amount to an offence under the Vagrancy Act. This argument was not successful as all the defendants, including Mrs Reader, were found guilty and fined 10s each. The note in Normanton's scrapbook says that the fine was much heavier had been expected.⁷³ This was probably part of a wider police campaign against fortune tellers this time.⁷⁴

Accounts 1937-1938

For the financial year 1937-1938 we have a precise insight into Normanton's earnings and therefore a rare opportunity to gauge the success, of her legal practice in conventional and financial terms,. We know that 1938 was a difficult year for her when her ability to work was affected by caring for her husband who was in poor health, underwent two operations and missed ten weeks of work. Normanton acted as his carer.⁷⁵ Her earnings from *all* sources were £337 9s 6d (approximately £12, 479.83 at today's value). She collected rent from tenants in chambers of £135 13s 0d , which suggests that she was Head of Chambers at 3 Plowden Buildings, making a total of £473 13s 0d (approximately £17, 515.58 today). Her total expenses were £348 11s 10 1/2d/approximately £12, 889.53, hence her net income was £124 10s 7 1/2d /approximately £4, 605.09. Her legal earnings for that financial year totalled just £37 0s 6d (for 10 cases). From journalism and writing she made £284 14s 0d; from lecture fees £15 15s 0d and she spent £78 3s 0d on 'special historical books'. Her practice made her very little income compared with her other earnings.

⁷³ WL: 7HLN/A/04

⁷⁴ Kollar, R. *Searching for Raymond: Anglicanism, Spiritualism and Bereavement Between Two World Wars* Lexington Books, 2000, p. 140.

⁷⁵ WL: 7HLN/A/21

‘A barrister’s years as a junior are normally of immense interest to himself, but a little tedious in the narration’.⁷⁶

We have examined a selection of Normanton’s most interesting cases and it is evident that her work was not only sparse but confined to the lower court. It was not uncommon for barristers emerging from pupillage to expect a slow arrival of briefs and for their work to be confined to the county and magistrates’ courts, consisting of cases involving small debts, petty crime and poor persons’ work. However, after a time, it was expected that a barrister’s practice would become established and more lucrative.⁷⁷ Normanton’s practice never picked up. By 1934 the Press had begun to speculate about her taking silk, which suggests that she still commanded a high public profile.⁷⁸ There were no women Silks at this time. By this date she was fifty-two and twelve years since call. There appears to have been no time eligibility criteria for taking silk⁷⁹ (today there is an open application process which depends on excellence in advocacy and competence),⁸⁰ although the Press mentioned the need to have practised for seven years.⁸¹ Presumably there was speculation on this issue around the Bar also. Normanton did not become a King’s Counsel (KC) until 1949, in the final years of her career. She and Rose Heilbron

⁷⁶ Walker-Smith, D. *Lord Reading and His cases: the Study of a Great Career* Taylor Francis, Macmillan: New York, 1934 p.21.

⁷⁷ Ibid.

⁷⁸ 6 February 1934, *The Daily Sketch*. Also, 11 November 1934, *The Daily Sketch*, ‘Canada is the first to appoint a female KC’. They reported that there were two eligible women in England. The most senior was Normanton who has not been given or applied for.

⁷⁹ Abel, R. *The Making of the English Legal Profession* Beard Publishing 1988, p. 98, silks were appointed by the Lord Chancellor and until 1945 were virtually automatic for anyone who applied. Until 1961 an applicant had to notify all the Juniors on his/her Circuit with greater seniority so that they could apply before s/he.

⁸⁰ See Bar Council website for the application form and criteria.

⁸¹ Ibid

became the first woman to be awarded silk. If she had been made a Silk in 1934 she would have raised the profile of women barristers. Her rise in professional status would have made her practice more successful, which in turn would have increased women's chance of succeeding at the Bar. It would also have encouraged solicitors to brief women. Instead of being made Silk she was placed on the court brief list at North London Session⁸² in July 1934⁸³. This meant that she obtained prosecution briefs as regular counsel. This procedure was mainly used for prosecutions at the Old Bailey (also at other courts) and was called the 'soup list', not quite the promotion that was hoped for.

Further Disappointment: Passed Over by the Bar Council

This was not her only disappointment. In 1938 the Bar Council decided that it should have one woman on its committee, but it passed over Normanton and settled on another woman, Hannah Cross.⁸⁴ Normanton ran for election in 1938,⁸⁵ again unsuccessfully. Not until September 1946 was she finally elected to the General Council of the Bar,⁸⁶ when this decision was widely supported.⁸⁷

⁸² WL: 7HLN/A/22

⁸³ 5 July 1934

⁸⁴ Polden, 2005, op cit, p.322. Cross was born in 1908 and whose maternal family were lawyers. She left St. Hilda's at 20 with a B. A., joining Lincoln's Inn in 1928 and was called in 1931. She built up a strong practice with the aid of a solicitor who began practice at the same time as she did. She found Lincoln's Inn chilly and discovered that her clerk never sought work for her. During World war II she took employment in Civil defence and continued in this role after the end of the war.

⁸⁵ 31 January 1938, *The Times*, 'Bar Council Elections'. Normanton was listed as up for election.

⁸⁶ September 1946 Women in Council, the Journal of the National Council of Women of Great Britain

⁸⁷ WL:7HLN/A/06, for example on 19 September 1946 letters of congratulation would be received from St. Joan's Social & Political Alliance congratulating her election to the General Council of the Bar.

Why was Normanton passed over by the Bar Council? She was the best known women barrister at that time. The answer may be evident from a sample of the correspondence between Normanton and the Bar Council. In 1933⁸⁸ she received a note from Mr Godson from, the General Council of the Bar, in which he stipulated that:

‘if a Judge addresses a male barrister they say Mr or just the surname. If it is a woman they say Miss or Mrs. But it is for the Judge to decide. The Council has made no move to accomplish conformity in this matter.’

Presumably this letter was sent to many barristers, not just to Normanton. She replied⁸⁹ apologising for not replying sooner, because of heavy pressure of work, saying:

‘The *Standard* says that there is a ruling that witnesses must call lady barristers, Madam. This is a nonsense. A witness may be of far superior rank to the barrister e.g. a Marchioness, who would be highly tickled to call a woman barrister ‘madam’. In fact I thought that the compulsory use of Madam applied only if one were addressing the Queen in conversation; shop assistants when addressing customers; and domestic servants when addressing their mistresses... However I must own that I am not much given to pondering these social problems, so very likely I am wrong.’

She added that she ‘really wished’ that the Bar Council would find a means to stamp out the too common practice of barristers giving interviews to the Press under such generic descriptions as ‘Woman Barrister’, or ‘Eminent Criminal Specialist’. She commented that the

⁸⁸WL: 7HLN/A/01 12 July 1933

⁸⁹WL: 7HLN/A/07 18 July 1933

previous day the ‘prettiest and most captivating’ woman she had ever seen had tried to get her to express an opinion. She was too hardened to the blandishments of these delightful ladies, but she feared that a recently called young woman might fall into the trap and the Press would get an interesting copy for the paper without paying for it. Her reply is puzzling, she was not referring to a particular article or recent complaint, but rather to a general letter. What did she hope to gain? She was not ‘playing the game’. The Bar Council was her governing body. If she wanted to succeed, she needed to cultivate them and pick fights only when necessary. Her letter was lengthy, quite arrogant in tone, discussing herself and the press, which was not the issue raised in Mr Godson’s note.

Later that month⁹⁰ she received a letter from Mr Godson in reply to her letter of May 1933 regarding help for Jewish lawyers in Germany. She replied almost immediately⁹¹ asking for advice on two further matters: an acquaintance asked for her opinion without consulting a solicitor, and she wanted to know whether she would be within the etiquette in giving an opinion; and a woman had written to her enclosing a cheque, asking for legal advice: should she return the cheque? Mr Godson’s reply⁹² conveys a tone of irritation and distance, referring her to the professional etiquette rules in the White Book⁹³ and stating that he would leave to her own discretion whether these actions fell within the ban. Again, in September 1934⁹⁴,

⁹⁰ WL: 7HLN/A.07 28 July 1933

⁹¹ WL: 7HLN/A/07 2 August 1933

⁹² WL: 7HLN/A/07 3 August 1933

⁹³ This contains the civil rules of practice.

⁹⁴ WL: 7HLN/A/01 26 September 1934

Normanton wrote to him⁹⁵ pointing out that at the Annual Conference of the National Council of Women in Edinburgh, a resolution advocating reform of the matrimonial law would be debated. She wanted to quote the Judge in the *Benson* case. As she was counsel and the case was widely reported she was concerned about any possible infringement of etiquette. Again he replied⁹⁶ with advice that it would be in order for her to refer to the law report, but not to mention that she was in the case or to any information that was given to her by way of instructions. Given Normanton's problems with accusations of self-publicising, it is perhaps not surprising that she was cautious, especially as the rules were not published until much later. Were they available to her? He had referred to the White Book, implying that they were. Her letters to the Bar Council may have provoked hostility accounting for her failure to be elected to the committee.

Shall we ever see a woman judge?

In October 1934 the first rumblings of speculation began about a judicial post being offered to a woman. The *Daily Sketch*⁹⁷ published a piece, 'Shall We Ever See a Woman Judge?' This posed difficult questions, such as, what role did women play in the opening of the new sessions? What was the effect of women's lack of headway in the legal profession? It stated that prejudice remained and they could

*'not be taken more seriously than as a handful of rather pathetic pioneers
marking time, sowing a drill that others will reap. If you catch them off guard*

⁹⁵ WL:7HLN/A/07

⁹⁶ WL: 7HLN/A/0727 September 1934

⁹⁷ 5 October 1934, *Daily Sketch*, 'Shall We Ever See a Woman Judge? Why Portia is not a great success'

then they will be more deeply dissatisfied than you would guess. Some had said that if they had a daughter they would make her become a solicitor as she stands very little chance of anything except secondary cases and local courts. She would be of more use in a solicitor's office as she would be invisible working behind the scenes and women are good at routine work. Also it would be steady employment and she would not attract comment every time a case came along. The Press attach importance and publicise every tiny case that a woman does.'

This was not a ringing endorsement of the profession. However, the article declared that being a female barrister was 'difficult but not hopeless', that more could not be expected for the first 10 years, and it would be easier for the next generation:

'Male barristers have had the field to themselves for years, you cannot expect a woman to get a footing in the first few years of entering it. Another anonymous woman said that the legal secretary to the Solicitor General said: 'My dear young lady, I do not believe that there is a prejudice against women barristers, though it may be true that solicitors are shy of taking their clients to women barristers. Women have not had time to prove whether they are good or not or how necessary they may or may not be. The law is the one profession that needs time and great patience. Why thousands of men never make a living at all! You hear of the few women barristers, but never of the thousands of men. The men who sit at waiting for years watching for the briefs that never come, expecting the worst, hoping against hope. A few, a very few make spectacular careers after years of hack-work by proving their eloquence and brilliance in criminal cases. It

is a matter of years and years of waiting, I'm afraid, and for the fortunate ones a sudden turn of good luck.'

The article continued t:

'Mr C. G. L. Du Cann'⁹⁸ the well known barrister analysed the seeming failure of the women with clarity and deep understanding: 'Women are good at passing examinations but they are not so good at using their knowledge practically.'

In her papers Normanton red pencilled this saying 'That's good of him!' Du Cann continued:

'It is not correct to say that women can do nothing at the Bar. The able woman, perhaps, doesn't come to the Bar yet. Take a woman like Miss Margaret Bondfield, who chose politics and would have made a first rate woman barrister. Miss Bondfield can argue a case as well as most men barristers and better than many KC's. It is not a matter of sex, but of ability. The solicitor wants to win his case. If a woman can win it she will be briefed. The Bar is possibly the most difficult of all jobs to get your footing in. The really able woman is out for an easy living. Marriage or journalism or the stage or a business which brings in quick recognition and money. Also women are concerned with the deeper things of life. Woman's business is life, death, religion, and all the important manifestations of life. The little pedantic argument doesn't appeal to them. That is why women see a case emotionally and not technically. Believe me, the law is more a matter of mechanics than emotions. That is why women would be good in Children's Courts, such as they run so successfully in America, or a domestic court devoted to matrimonial

⁹⁸ Charles Garfield Lott Du Cann was not only a barrister but also a prolific author on the legal profession and other topics such as: *Adventures in Antiques* Muller Publishers 1965, *Teach Yourself to Live* Hodder and Stoughton, 1955; *The Loves of George Bernard Shaw* amongst others.

disputes. But women will never try very complicated questions of law. It is unthinkable that they should ever occupy such positions of such supreme importance or that we shall ever see a woman judge. Women are interested in the trial, but not in the intricacies of legal argument. Put it this way: many women drive cars exceedingly well. But how many can mend one? Whereas a man-indeed, most men-take their cars to pieces for the sheer technical fun of putting them together again. The law, I'm afraid is rather like that.'

Gender stereotypes still prevailed. This article illustrates the discrimination women faced. It is no wonder that Normanton struggled to be briefed, let alone become a KC or a Judge.

Normanton complained about this article to the Bar Council and they informed her of their findings regarding her complaint in December 1934.⁹⁹ They decided that no member of the Bar had authorised those comments. Normanton replied to this decision in January 1935,¹⁰⁰ saying that she was not surprised that the Committee found no evidence that any member of the Bar authorised the publications of the comments in the *Daily Sketch*. She believed that Mr Du Cann would never write such 'nonsense'. She said that she was rung by the press recently to comment on Miss C. Colwill's speech, or alleged speech, about her experiences applying for recordership, but that she never gave comments – they were against etiquette and believed that whatever was worth printing was worth paying for. She continued that before Christmas a

⁹⁹ WL: 7HLN/A/07 19 December 1934.

¹⁰⁰ WL: 7HLN/A/07 9 January 1935.

solicitor begged her to speak to a young woman who had become a solicitor, to try to persuade her to come to the Bar, but Normanton refused, saying everything was against women. She was grateful for the work the Bar Council did. She concluded by noting the list of barristers able to practise abroad, and asked if there could be a list that says which barristers can speak a foreign language as she was able to assist Marshall Hall to some extent in the Fahmy case.¹⁰¹

Prejudice and lack of briefs were not the only difficulties in Normanton's professional life. Fees were also an issue. In October 1934 she again asked for help from Mr Godson at the Bar Council.¹⁰² Her problem arose because a solicitor¹⁰³ refused to pay her extra for dealing with an exceptionally large bundle of papers, as was normal.¹⁰⁴ The solicitor flatly refused to pay an extra fee when she rendered her accounts and she only received £3. 5. 6. The Bar Council was unable to assist her and the Law Society also refused to take the case further.

Normanton's ambition was to be a judge. In November 1937, obviously tired of waiting to be asked, Normanton wrote to the Rt Hon Sir Samuel Hoare, HM Secretary of State for Home

¹⁰¹ There is large hystiography concerning this case, but in summary, this was a successful defence by Marshall Hall for Madame (or Princess) Marguerite Fahmy in 1923 for the shooting death of her husband, Egyptian Prince Fahmy Bey at London's Savoy Hotel. The death of the Prince is frequently on lists of victims of the so-called Curse of the Pharaohs. Marshall Hall brought out Prince Fahmy's race and sexual habits, painting the victim as an evil minded foreigner who threatened a 'white woman' for sexual reasons, whereupon she defended herself. The jury accepted it. The Egyptian ambassador wrote several angry letters to the newspapers criticizing Marshall Hall's blackening of the victim and Egyptians in general. In any case Madame Fahmy was acquitted. Majoribanks, E. *Famous Trials of Marshall Hall* London 1950.

¹⁰² WL:7HLN/A/07. 30 October 1934

¹⁰³ Mr H. C. Mossop

¹⁰⁴ The papers went back to 1898.

Affairs,¹⁰⁵ asking him to consider her as a Recorder for the North Eastern Circuit. She stated that she was a barrister of 15 years, with considerable experience, and provided two referees: Sir Holman Gregory (formerly a Recorder) and Lord Merrivale, former President of Probate, Divorce and Admiralty Division. On failing to receive a reply she wrote again in December, enclosing a copy of her book, *The Trial of AA Rouse*¹⁰⁶ (discussed in the next chapter). She mentioned that the French in 1935 appointed a woman judge to preside over a commercial tribunal in Nice. She cited women appointed as judges in America, Russia & Turkey and added: 'PS *Daily Mail* has just asked me to write something about women judges.' Was this a threat? Was she intending a high profile campaign like that to open the Bar to women? On the same day that she sent her second letter, she received a reply to her first.¹⁰⁷ This told her 'to apply for vacancies as they arise, difficulties arise in general applications'. The next day the Department of Home Affairs wrote to thank her for the book.¹⁰⁸ How would she know when vacancies arose? What did Normanton hope to achieve by her letters? The Bar worked through a network of secrecy: Judges recommended barristers for judicial appointments and Silk to the Lord Chancellor, based on contacts and behaviour in Court. There is no evidence that she wished to reform the Judicial appointment system and perhaps she thought that attempting such a thing would permanently preclude her.

¹⁰⁵ WL:7HLN/A/17. 30 November 1937.

¹⁰⁶ WL:7HLN/A/17. 1 December 1937.

¹⁰⁷ WL:7HLN/A/17 1 December 1937 letter from Whitehall to Normanton.

¹⁰⁸ WL:7HLN/A/17. 2 December 1937.

On the same day that the second letter arrived from the Lord Chancellor's Department, an article appeared in the *Daily Mail*.¹⁰⁹ It reported that no woman barrister had been asked to serve as a judge, although women had now been at the Bar for fifteen years. It pointed out that three hundred women had become barristers. They reeled off the other countries which had appointed female judges: Germany had a female judge sitting in the Berlin Criminal court; Sweden had its first judge in 1926; Poland's first female judge was sitting in the children's court in Warsaw; in 1924 Belgium passed a law opening commercial judgeships to women; since 1935 France had a woman judge in the Commercial Tribunal in Nice; in 1930 Bulgaria sent a woman judge to Rome to represent its interests before the Italo-Bulgarian Tribunal; since 1927 Miss Soumay Tscheng had been sitting in the French court in Shanghai; and from 1928, Miss Daw Hme Khin had sat as a District Court Judge in Rangoon. In the US, the Hon Genevieve R Cline, formerly the New York Customs Judge, had been promoted to a Federal Judgeship and Judge Florence E Allen was likely to be promoted to the Supreme Court in Washington, and was currently sitting in the Federal Circuit Court of Appeals .

The Mail quoted Normanton as saying that there was an argument for female Judges in England and Wales and that, although women had the same viewpoint as men, she argued why then would they make a difference:

'They will bring the wider variegation of personality which interprets the law and applies remedies and penalties to suit the persons before them. They will be especially valuable

¹⁰⁹ 2 December 1937, *Daily Mail*, 'Helena Normanton, Senior Woman Barrister, demands- Women Judges NOW'.

in dealing with women and young people and in applying the modern social and more humane legislation such as the new Matrimonial Causes Act.'

She finished by saying: *'[T]he law is the only profession for women in which advancement has hitherto been denied, and England the only country to act so callously.'* This was a dangerous move on Normanton's behalf. She had already been accused of self-publicising, which could have resulted in her being struck off. Was she considering a new campaign?

England did not have its first full time female judge until 1945, when Sybil Campbell was appointed Stipendiary magistrate at Tower Bridge.¹¹⁰ In 1946 Dorothy Dix became an assistant recorder of Deal and Edith Hesling a deputy judge presiding over a county court.¹¹¹ It was not until 1962 that Elizabeth Lane became the first woman county court judge and in 1965 she was promoted to the High Court. Barristers, such as Normanton, would have had to have practised for ten years to become High Court Judges or seven years for the lower courts. She was, therefore, qualified. Applications were invited for the lower courts. They would be judged by their success at the Bar, Normanton was not qualified on this point. The Lord Chancellor was not sympathetic to women,¹¹² but stipendiary magistrates were appointed by the Home Secretary. The first sympathetic Home Secretary was Herbert Morrison (1940-1945). This however was not the judicial appointment that Normanton sought. She possibly set her

¹¹⁰ Polden, P. 'The Lady of the Tower Bridge: Sybil Campbell, England's first woman judge' *Women's History Review*, Volume 8, No. 3, 1999

¹¹¹ Ibid, p. 507

¹¹² ibid

ambition too high. Normanton's judicial aspirations were not helped by a complaint against her.¹¹³

The country, apparently, was still unready for women in the judiciary. The *Daily Telegraph* reported in April 1938 a case concerning a disgruntled JP who had been found guilty of obtaining credit by fraud at a Folkestone Hotel.¹¹⁴ George Easton, aged 69, a former Deputy Lieutenant of the East Riding of Yorkshire, appealed against his conviction for fraud. As a litigant in person he said that he resigned as a magistrate when the Lord Chancellor suggested that many JPs were too old. Of the four magistrates conducting his trial, two were women. He stated that he had the greatest respect for the fairer sex but that they were not worth much on the Bench, as women had no opinions of their own. Did this case warrant a report? Although the accusation of fraud probably did, the headline did not, but it reinforced the point that women were unwelcome in a judicial role.

In May 1938 *The People* reported that 'Our Portias Now Want to be Solomons.'¹¹⁵ This stated that English 'Portias' were angry because none of them had been appointed to the Bench. The newspaper believed that the divorce courts would benefit most from their appointment. The Attorney General had recently announced in the House of Commons that there would shortly be more judicial appointments and women barristers felt that it was time for them to be

¹¹³ MT3/DIS/67 1938

¹¹⁴ 12 April 1938, *Daily Telegraph*, 'Women JP's 'Not Worth Anything'

¹¹⁵ 22 May 1938, *The People*, 'Women as Judges, Our Portias Now want to be Solomon's'.

appointed. At least they should become stipendiary magistrates. In her scrapbook Normanton noted,¹¹⁶ 'Neither of these articles – other 9th July 1935 *Northern Daily Telegraph* – was written by or inspired by HN in anyway. Any press work done by her is invariably under her own signature.'

The newspapers also speculated on the lack of women barristers and Silks. For example *The Daily Mail*¹¹⁷ published 'Don't Envy the Woman Barrister'¹¹⁸ and reported that, on call night, 95 men would be admitted compared to 5 women. The paper wished those women luck. It lamented that 19 years had passed since women were admitted and that they were not admitted voluntarily. The article commented that there were still no women judges; only two or three women were in actual practice, whose combined earnings probably did not equal the earnings of a single busy male junior. Not one of them had come within sight of 'taking silk'. The paper believed that women passed the bar examinations easily because they were industrious and conscientious, compared to men who were lazy and careless. That, it stated, was why women made excellent solicitors. Women barristers' weakness was to espouse their case without looking at the other side, although their appearance was a great asset in court, despite being handicapped by their hair and stature, which it reckoned made women look like a convict or beehives), and women's voices did not carry like men's.

¹¹⁶ P. 44 of her scrapbook WL:7HLN/A/04

¹¹⁷ 29 June 1938, WL: 7HLN/A/23

¹¹⁸ Article by 'Hervey Middleton'

Normanton was livid about this article and demanded in a letter to the Under Treasurer at Middle Temple¹¹⁹ to find out if the author was barrister. They replied that there was no record of him. So she wrote to the other Inns of Court who also had no trace of him. On July 11 she wrote a scathing letter to the newspaper's owner, Lord Rothermere, and asked if his father, a barrister at Middle Temple, would have approved of his son's newspaper constantly attacking women barristers?¹²⁰ He replied over two weeks later via his Literary Editor, saying that they would soon publish the case for women barristers and hoped that would dispel any illusions. She was a formidable opponent and defender of women at the Bar, as we will see.

The Saarinen incident 1938

Normanton's exasperation at the negative portrayal of women barristers in England was evident three months later from her reaction to yet another *Daily Mail* newspaper report. This centred on comments made at the conference of the International Council of Women in July 1938¹²¹ by a Finnish female judge, Judge Saarinen. Saarinen was reported¹²² to have said:

‘Women barristers in Great Britain will have to attain greater prominence before you get women judges. In Finland, women judges hold high repute.’

Evidently, Normanton read this report although she was not present. On a scrap of paper She responded :

¹¹⁹ 1 July 1938

¹²⁰ WL: 7HLN/A/23

¹²¹ WL:7HLN/A/23. Also reported in *Daily Mail* July 11 1938, ‘Two Men Among 800 Women’.

¹²² *The Daily Mail* 11 July1938 ‘Two Men Among 800 Women’

‘English women barristers deeply resent the slander on them by Judge Saarinen. Please see that she publicly retracts it and full publicity is given to that retraction. Or else please arrange that the conference either declines to hear her or passes a suitable resolution that we do not recognise Saarinen a slightest authority on English Legal system. Only last week one women barrister was most highly commended by Mr Justice Humphreys in brilliant work in court. This is by no means exceptional occurrence’.¹²³

This undated scrap of paper was probably the draft of a telegram sent by Normanton to Lady Balfour, President of the National Council of Women of Great Britain.

The telegram caused a great furore. Lady Ruth Balfour replied in a letter to Normanton on 20 July,¹²⁴ that the quote from Fru Saarinen was mistaken. She was not fluent in English and never spoke of English lawyers, only of those in Finland.. Lady Balfour pointed out that she had not heard or read the talk and it was too late to take any action, especially as it had only appeared in one edition of *The Daily Mail*, therefore to correct it would give too much prominence to the incident. She concluded by saying: ‘I must add that I regret the tone of your telegram, which seems to me quite unnecessarily dictatorial.’

Normanton replied the next day, remarking on Lady Balfour’s delay in replying. She wrote that she would be happy to furnish her with a copy of the article as Lady Balfour was in a very responsible position . She continued that a group of English women barristers had met in

¹²³ WL:7HLN/A/23

¹²⁴ WL:7HLN/A/23. 20 July 1938.

Chambers the previous day. If the tone of her telegram seemed unnecessarily peremptory she wrote that she was the first to regret it – ‘but telegrams are very expensive’. She pointed out that *the Daily Mail* had a readership of 2 million and she therefore disagreed with Lady Ruth on retraction. She wrote:

‘Legal women are defenceless as bound by etiquette I, along with other legal sisters have for a considerable time been far from satisfied with the National Council of Women in relation to women in the legal profession.’

The issue of women judges was clearly extremely sensitive.

Lady Balfour replied on 3 August, saying that she believed Normanton had misinterpreted Saarinen’s words:

‘The National Council of Women, and I feel sure, all other organised women hope that this state of affairs will be changed (i.e. women not succeeding at the bar) in the near future but I doubt whether attacks by their legal colleagues on women of other professions is likely to promote that good feeling and co-operation, which by implication in your letter you consider desirable’.

Normanton’s niece, Elise, who worked for *Good Housekeeping*, also wrote to her,¹²⁵ addressing her as ‘Auntie’, asking her to discuss the matter with ‘Lady Ruth’ and hoping that her aunt would bring a satisfactory end to the controversy. Normanton wrote again to Lady Balfour in September,¹²⁶ but not quite the conciliatory letter her niece was hoping for. She stated that she

¹²⁵ WL: 7HLN/A/23 11 August 1938. Letter from Elise Cannon to her Aunt Helena, on Good Housekeeping note paper (her workplace).

¹²⁶ WL: 7HLN/A/23 21 September 1938.

had reported the matter to the Bar Council who had approved her actions, adding that foreign delegates should not be given access to the press. It was an extremely long letter, rather patronising and superior in tone.

We can see from this incident and her letters to the Bar Council that she was often too wordy, which one sensed caused a negative reaction in the reader. This may have been true of her behaviour in court. In May 1939 she conducted a matrimonial case for a suspension of a committal order. Her application was refused after a reportedly long legal argument.¹²⁷ Normanton noted on her scrapbook:¹²⁸ 'Bench unable to understand its [her argument]effect'. Was her conduct in court too lengthy? Too academic? Or perhaps too Victorian? The times had changed since Marshall Hall.

Normanton's second attempt at a judicial post

In September 1938 Normanton returned to her personal campaign for a judicial position.¹²⁹ She wrote to Sir Alexander Maxwell C.B, Permanent Under Secretary of State, Home Office, explaining that she had written the previous year about a recordership and the Home Office had intimated that a woman might be considered. She noted that Storry Deans KC, Recorder of Newcastle, had died and it occurred to her that a post might arise. She asked Maxwell to consider this her formal application. She received a reply from the Home Office¹³⁰ stating that

¹²⁷ 4 May 1939 as reported in *The Sussex Daily News*.

¹²⁸ WL: 7HLN/A/04

¹²⁹ WL: 7HLN/A/17 8 September 1938.

¹³⁰ WL: 7HLN/A/17 13 September 1938

the Home Secretary had asked her to apply for each vacancy as it arose.¹³¹ Another letter arrived on the same day from Sir Alexander Maxwell informing her that her letter would be placed before the Home Secretary.¹³² Four days later Normanton wrote again to Maxwell, almost pleading that she did not know when positions were vacant. She asked him 'please' to let her know when there were actual or pending vacancies.¹³³ The unhelpful reply from the Home Office was that the only advice that could be given was to look for notices in the press of the death, resignation or promotion of Recorders on her circuit (as she had recently done).¹³⁴ In December 1938, Normanton took a holiday to Rome, Naples and Sicily, apparently the first real holiday she had had for years.¹³⁵ She must have needed it.

Conclusion

Normanton was still forging a practice at the Bar. Even though her earnings were not vast, she had higher ambitions and coveted a judicial appointment. Even though she was older than many of her contemporaries at the Bar, she had only been in practice for a comparatively short time. Her cases were infrequent and still in the lower courts, so it is difficult to understand her determination to become a judge except in the context of her determination to open the Bar up to women. She was trying to break down the barriers and stereotypes that still haunt women today.

¹³¹ Ibid p. 76

¹³² Ibid

¹³³ WL: 7HLN/A/17 17 September 1938

¹³⁴ WL: 7HLN/A/17 September 19 1938

¹³⁵ WL: 7HLN/A/25 letter from HN to prisoner G. Cheshunt. From 20 December 1938 – 10 January 1939.

Chapter 8

Normanton's Later Legal Work and Attitudes Towards Practice

*'The men, not at first very warm in their welcome, are now most kind and helpful'*¹.

Introduction

Normanton remained in practice until she was sixty-eight years old. This was a remarkable achievement. She was determined to practise in the job that had been her childhood ambition. We will see later in this chapter how she supplemented her earnings at the Bar with journalistic writing in order to be able to afford to stay in practice. She was extremely committed to her career and her life at the Bar. She would never become a judge, which she really wanted, but she would become the next best thing: a King's Counsel. However, the rest of her career was dominated by yet more accusations of self-publicising.

Another Disciplinary Inquiry²

This inquiry arose from an article in 'Girl's Own Paper'. The article was entitled 'Some famous women of today' and highlighted Normanton, amongst others.³ It was an aspirational article

¹ Helena Normanton as quoted in *The Evening Standard* 27 December 1944.

² MT3DIS/68

for teenage girls, not a vehicle for advertising services. On 1 March 1939, Middle Temple wrote to Normanton that their attention had been called to the publication, which could be seen as constituting an advertisement of her professional abilities. She replied the same day, saying that she never wrote articles about herself and never gave interviews to the Press. Middle Temple persisted, two days later asking if she would categorically answer whether she had anything to do with the publications. Again, she replied immediately that the tone of the letters had caused her pain and considerable anxiety. She was unconscious of having done anything of the nature indicated by the question. Yet again, she enclosed letters from editors in 1923 saying she had never sought publicity etc. She must have had sight of the publication for she wrote to Middle Temple on 7 March saying that she had just seen the article and was in no sense party or privy to it. Nearly ten days later they sent a paper marked 'Treasurers instructions – take no further action'. It seems extremely unfair that an article written for teenagers should have been misinterpreted as a display of self-advertising. It is a wonder that she remained in practice.

September 1939

World War II of course was difficult for everyone. Normanton was part of that war and was deeply affected by it. Almost a year after the opening of the war she related that 'On the Saturday when the Surrey Docks were blitzed, I had gone there on legal business. A bomb came through the shelter and I saw a baby killed. I walked all the way home [to Beckenham]

³ *Girl's Own Paper* February 1939 p. 257

arriving at 8:30 in the morning'. Her work during this period was described by Paton Hyndman, an Ontario barrister and the second woman in the Commonwealth to be made a KC in an oral history interview:⁴ She described Normanton's work thus:

*'... And when the war came, and I don't think it was because of the war, but she was made, and I will have to check this, because I was thinking about it one night, not long ago, I think she was called the Bailiff, but she was made, it was an honorary position. At the Old Bailey, the chief criminal court in London, during the war when so many men had gone into the services, she was in this position and the position involved seeing that every criminal had someone appear for him or her if they wanted to be represented... That everybody has a right to be defended. At least it goes a very long way back. And to get counsel for these people, these accused people, often meant taking the case herself, because she couldn't get anybody else because so many members of the Bar were serving in the forces. But she had a winning way with her, and she could in a serious case, command the very best legal counsel for an accused person. And she worked night and day, she worked for her Inn of Court, which was the Middle Temple, she lived outside London, sometimes the trains ran, sometimes they didn't, sometimes she didn't try to find out. She was fighting fires around the Inns of Court and the Old Bailey and other legal buildings in London, and the Churches. And she worked like a slave.'*⁵

⁴ Osgoode Society for Canadian legal History: Margaret Paton Hyndman Transcript, p127, material provided by Professor Mary Jane Mossman.

⁵ Ibid.

Tensions ran high during the war and this can be seen in the one complaint that Normanton made to Middle Temple about another barrister.⁶ This concerned a Miss Lucy Smith who was also a member of Middle Temple. Her conduct was described in length by Normanton as being anti-Semitic and generally slanderous, rude and malicious towards other women barristers. Miss Smith had also been heard demanding Nazi propaganda pamphlets which were dropped by air around the Temple. Passing on this material was a criminal offence. Normanton was not the only one to complain. Others were Florence Earengy⁷ and Margaret Hughes, whose daughter was a barrister who had been told she had a 'reputation' by Miss Smith, because she was seen talking to a man in the Temple. There is no record of the outcome, but the episode highlights the war time atmosphere and tension.

Missing Fee Book

Normanton's fee book for this period is lost, but there is a case book⁸ containing limited information. We can extrapolate from this some limited information that: in 1941 she dealt with thirty- five cases; in 1942 thirty -six cases (including approximately three divorces and at least ten criminal cases); 1943 she had sixty- four cases; 1944 fifty- eight cases; 1945 sixty- four cases; in 1946 only twelve. She was certainly practising, but the cases were still not frequent,

⁶ MT3/DIS/69 June 1940

⁷ Earengy was secretary to the Cheltenham WSPU and a barrister see Crawford, E. *The Women's Suffrage Movement: A Guide 1866-1928* Routledge 2000, pp. 107 and 182.

⁸ WL: 7HLN/A/03

only a few each month. Of course, her case book may also not be complete and she may have been assisting other barristers.

Her wartime legal work

Details of her war time practice is only available in fragments. It was reported in 1943 that she defended Arthur Wallace (his real name was Munday), aged 69, against the charge of being an habitual criminal. It was a disturbing case in which Normanton had Wallace recite his life history in open court. It began in a workhouse in Leytonstone, having been abandoned there with his sisters by his drunken father. He said that he had always been hungry. His first period in jail began when he was twenty four when he was convicted of stealing a lamp from a car. He was sentenced to two years.⁹

However, from her case book it appears that she mainly prosecuted in this period. Also in 1943 it was reported that she prosecuted a man accused of two counts of bigamy and the theft of objects from his own sisters. She was successful and he was convicted and sentenced to twenty one months for the bigamy and eighteen months for the theft, to run consecutively.¹⁰ Later in 1945 she prosecuted a young man accused of slashing the throat of a much older man. Again she won.¹¹

⁹ *News of the World* May 1943

¹⁰ *Marylebone Mercury* 5 June 1943

¹¹ *News of the World* 1 April 1945

After the War

After the war we can only assume that life continued as before. By this time Normanton was fifty-seven. Her work after the war was described by Margaret Paton Hyndman in her interview:¹²

'Then when the barristers came back from the war, some of them had not been admitted and they were a bit lenient, they tried not to take people who were not qualified but people had been through a great deal and many of them, the experience they were getting, was through Helena Normanton in the Old Bailey, who wanted to do criminal work, said they did, thought they did want to, and then they would have a terrible time. Couldn't sleep knowing that they were going to go into court and defend somebody on some serious charge, and maybe it wasn't so serious. And she had to stand ready to go in, in case they just didn't show up on the day of the hearing or fainted at the last minute or during their defence. She would then have to rush around to get somebody to take the case or take it herself. She used to tell me stories about how they would come in, nice young men, and say, 'Mrs Normanton, I can't possibly go into court, I can't possibly, and I was up all night, I had nightmares or headaches or diarrhoea or something.' Well, she had the cure for that, she had Extract of Wild Strawberry in her cupboard, she had a cure for everything else, to settle them down enough to go into court. But she also would go over the case with them, and give hints as to how to handle it and so on. So by '47 she felt she couldn't do that any longer. And they gave a big party for her at the Old Bailey and the Lord Chief Justice was there and the President or

¹² Hyndman transcript.

Treasurer of each of the Inns of Court, and it was going to be a great big splash. But I knew that one thing that they wouldn't have much of would be cake, and I have a recipe for a wonderful light fruit case (sic) and I think I made double the quantity and I sent it over to a very old firm of confectioners in London and they used to say that their icings ... They used to say that Queen Mary's hats looked like something from the most famous confectioners in London who was famous for his icings on cakes created according to the occasion. So I wrote to them about it and they said, that, well, they couldn't possibly do their best, they needed so many pounds of icing sugar, they didn't call it that, they called it something else, but that is what it was, and so many pounds of butter, and they couldn't possibly get that, and so many eggs to make the icing. So I sent them all over by airmail, and the cakes, and they decorated them. And the Lord Chief Justice was asked to cut the cake, with the Sword of Justice, and they found it didn't have any edge to it, it couldn't cut. And they had to bring the chef in from the kitchen with his big knife to cut the cake. And that just brought down the house. I think I have Helena Normanton's letter on that, somewhere. But that is the story of the three tiered cake.'

This was the 'Silver Wedding' party for the 'Portias' and was held at the Old Bailey Mess.¹³

Normanton organised this to celebrate twenty-five years since the first woman was called to the Bar. She wore a flowing blue velvet gown trimmed with gold.¹⁴ She had been the Acting Junior and Treasurer of the Bar Mess of the Central Criminal Court. The reporting of this lunch

¹³ WL: 7HLN/A/17. 26 December 1947.

¹⁴ *Daily Mail* 1 June 1948

would become the subject of a disciplinary inquiry by Middle Temple.¹⁵ Normanton was quoted as saying: 'I may be a poor barrister but I can still cook'.¹⁶ Was she really likely to have said this? Even if she did it was perhaps self-deprecating, and not to be taken seriously. Because the complaint was not dealt with until 1951 it was decided that, as she had ceased to practice, no action would be taken. Normanton was not satisfied with this. She argued that she had never sought publicity and it was painful for her to end her career in this way. Middle Temple replied that she had not been punished but she should have avoided situations where she could be written about. Was she not entitled to any celebrations? Her final comment was 'I had been thinking of Suzanne.' Did this refer to Hyndman? If so what did it mean?

1948

1948 began as something of a golden year. Florence Paton became the first woman MP (Nottingham) to preside over proceedings in the Chamber of the House of Commons and Eileen MacDonald became the first woman to sit at Liverpool City Sessions (she had been an Assistant Recorder in 1947 and was promoted on the sudden death of Edward Hemmerde). Normanton herself achieved another first: she became the first woman to prosecute a murder trial. It occurred in Newcastle. A soldier called Sloan was accused of murdering his wife, *R v Sloan*. He was convicted.¹⁸

¹⁵ MT3/DIS/77

¹⁶ *Daily Mail* June 1948

¹⁸ *The Daily Mail* 1 June 1948. He does not appear to have been hanged.

The year did not end so well. On December 8 Normanton's husband died in a nursing home and was cremated at Croydon Crematorium on December 15.¹⁹ She inserted a notice in the *Daily Telegraph*, in which she wrote that he was dearly loved and mourned by herself, 'A veray parfait gentil knight'. A reporter for the *Sunday Telegraph* related how, when the reporter wrote his obituary, he rang Normanton and asked her for help, and she invited him for tea. She is reported to have said at that meeting 'Why don't you laugh? Is there any reason why obituaries should be dull and depressing? My husband and I had a happy life together.'²⁰ She told the *Beckenham Advertiser*²¹ 'No woman ever had a happier marriage. Our only quarrel was over the correct way to carve a salmon.' She was also reported to have said 'To me he was perfect. I was never worthy of him.' She continued that he had no regard for wealth and could not resist helping genuine cases of hard luck. He left her £1325.²²

Normanton becomes a King's Counsel

Normanton never became a judge, despite her letter writing. But in April 1949 the unexpected happened: she was awarded Silk, aged 67. She would have applied for this the year before to the Lord Chancellor, Jowitt (1945-1951). It is unlikely that this was her first application,²³ given the evidence that surrounds her direct approaches for a judicial appointment. Jowitt was a Labour politician who wanted to end social inequalities and was responsible for introducing appointments on merit. He accepted few applications and only after approaching other

¹⁹ *Daily Telegraph* 11 December 1948

²⁰ *Sunday Telegraph* 11 December 1948.

²¹ *Beckenham Advertiser* 16 December 1948

²² *Evening Standard* 18 May 1949.

²³ Indeed, the *Midland Daily Tribune* 24 March 1949 reported that she had applied once before, but had been passed over.

members of the Bar and Judiciary for their opinions. She would have required two referees. The name 'silk' is taken from the fabric of the gowns that they are entitled to wear and indicates that they are senior barristers. Originally they were appointed to assist the law officers working for the monarch. This duty was abolished in 1831 and they became the most senior practising barristers, the elite of the profession,²⁴ Becoming a King's Counsel would have prevented her from undertaking much of the junior work that her practice depended on, such as the preliminary stages of cases. She would now require a junior barrister to assist her in any cases, and was required to charge higher fees.²⁵ She and Rose Heilbron²⁶ became the first women in England and Wales to 'take silk'.

The event was widely reported, her archives contain a large file of Press cuttings.²⁷ Letters of congratulations abounded.²⁸ The Old Bailey Mess wrote to Normanton having, unanimously decided to invite her to accept Honorary membership of the Bar Mess, hoping that she would accept their invitation as some small expression of the regard in which she was held and of the gratitude of members of the Bar for her devotion to their interests.²⁹ For Normanton this honour came too late. It was of no practical use to her, as her career was almost over. Why it occurred is open to speculation. She was the most senior practising barrister in terms of being the first woman to be admitted to an Inn. It might possibly have been unacceptable to award

²⁴ Abel, R *The Making of the English Legal System*, Beard Books, 1998, p. 98

²⁵ *Ibid.*, p. 99

²⁶ Heilbron, H, *Rose Heilbron* Hart, 2012, p. 67-72

²⁷ WL: 7HLN/F/04

²⁸ WL: 7HLN/A/06: for example from the Foreign Office, the town clerk of Beckenham, girls' grammar schools and her past schools.

²⁹ WL: 7HLN/A/06. 23 May 1949.

Heilbron the title without acknowledging Normanton's longstanding career in which she contributed much on behalf of the female members of the Bar. It was probably awarded in recognition of the longevity of her career and the fact that she was instrumental in opening the Bar up to women.

On April 26 1949, Normanton attended the House of Lords and was formally made a silk. She wore a style of dress formally approved by the Bar Council,³⁰ a full dress robe consisting of a court coat (made of black superfine cloth in the same style as the men's but not skirted,³¹ but like a lady's everyday coat) , ruffles at the wrist, a lace neck frill, a silk gown with a pouch attached at the back (used in the past for clients to drop money into), skirt, white gloves, buckled patent shoes with a silver buckle and a shoulder length white wig. She made her own lace stock bands and cuffs from a piece of seventeenth century French lace which had been worn at the court of Louis XVI.³² There was a shortage of lace, and only enough for one woman KC. Normanton left that for Heilbron and made her own. In his speech, the Lord Chancellor mentioned 'Two years ago there were women among the clerks, now women among the K.C.'s- you can never keep a good girl down...'³³

³⁰ WL; 7HLN/A/07

³¹ *News Review* 5 May 1949, they were described as 'Silks Without Breeches'.

³² *Daily Telegraph* 27 April 1949.

³³ Heilbron, 2012, op cit, p.70

The following month found her 'resting' as she tripped over one of her cats and cracked her ribs.³⁴ She retired from her role as Junior and secretary at the Old Bailey when she took silk and they gave her a diamond and pearl necklace.

Retirement (1951)

Two years later, aged 69, she gave notice to her Chambers of her retirement.³⁵ Her resignation letter said that her health had 'given way', she could no longer conscientiously practise at the Bar and she had lost her husband. She wrote that her poor health resulted from damage to the ligaments of her left ribs³⁶ after an undated accident left her 'smashed' in a railway carriage (was this an excuse for the accident with the cat or another unfortunate injury?) and arthritis had painfully set in. She wrote that she was trying to raise money to go to Aix-Les-Bains for a cure, though the sum left in her will suggests that she did not need to raise money (although she did not know how long she would live for, or how much money she would need to fund her retirement).

She announced her retirement in *The Times*³⁷ and it was widely reported. *The Advertiser (Beckenham)*³⁸ ran an article 'Beckenham Woman KC Retires' in which they commented that few people knew of her retirement until her vast law library was sold. They quoted her as saying 'I felt that I had done enough. I was very sorry to retire, but I knew the time had come. I

³⁴ *Daily Mail* 26 May 1949

³⁵ 8 May 1951.

³⁶ Ribs do have ligaments, but she probably meant bruising.

³⁷ *The Times* 30 July 1951

³⁸ *The Advertiser* Beckenham 26 July 1951

did not want to be like a concert singer who carries on when she has lost her voice.’ She commented that she had spent the last seven months moving out of her chambers, ‘there is a lot of work attached to retiring. It cannot be done in ten minutes. Now I shall stay at home in Beckenham and concentrate on a Shakespearian book I am writing.’ Not all the reports were so kind. *The Daily Telegraph* reported (wrongly) that she had retired at 58 and not at age 60 as men normally did. They commented that this was hypocritical when she had been an advocate of equality. She was in fact 68.³⁹ Others reported that she had given up a £5000 per year career for housework.⁴⁰ Others, however, noted her considerable achievements.⁴¹

Not only her health that led her to retire. Earlier in the weeks of her retirement she received a letter from Middle Temple,⁴² regarding a conversation in her own house during a lunch party. The lunch was reported by the *Evening Standard*⁴³ some three months earlier, alleging that she had described herself as ‘the most senior female barrister in England’. This was to be the final accusation of self-publicising. The General Council of the Bar asked Middle Temple to deal with this complaint. The letter from Middle Temple advised her there would be a hearing about her conduct on 24 May, before the Benchers of Middle Temple. They also wrote about a complaint concerning the reporting of the 1947 ‘Silver Wedding’ anniversary party.⁴⁴ She was invited to

³⁹ *Daily Graphic* July 24 1951 ‘Women Talking’.

⁴⁰ *Overseas Weekly Mail* July 30 1951

⁴¹ *Sussex Daily News* July 21 1951, *News Chronicle* July 21 1951, *Colne News* July 27 1951, *Yorkshire Post* July 23 1951, *London Daily Mail* July 21 1951 and others see WL: 7HLN/F/01

⁴² WL: 7HLN/A/07May 2 1951

⁴³ *The Daily Mail*, February 10 1951.

⁴⁴ MT3/DIS/77

appear or to send a representative. She replied that she could not instruct a lawyer as her health was in a very poor state:

'... If I were well there is no reason why I could not meet them with any confidence, for I have never courted a syllable of publicity in my life for myself. From my angle I have been the victim rather sharp practice.'

She wrote that in a previous letter⁴⁵ she had given a full explanation of the article in the *Evening Standard*, which she had heartily disliked. She begged the Treasurer to accept her explanation and to drop the matter:

'The reproduction of small talk at a lunch at my home cannot possibly injure the Bar of England and as I have refused all legal work for over two years because of the state of affairs described to Mr. Gilbert, and now find I cannot return to work I was obviously not touting for the attention of solicitors.'

Mr Godson of the Bar Council, she entreated, would have dismissed this matter as 'trivial rubbish'. She stated that if the Treasurer wanted to take it seriously she would not shirk from it, would notify him as soon as she felt well enough and would bring a silk and a junior. She explained that she had two public engagements she hoped would not seem inconsistent with her claim of ill-health as they were made long ago and were pleasant duties, presenting no strain. She wrote again on the day before her hearing⁴⁶ saying that she hoped to be in attendance, but was suffering crippling pain. If she did not attend she hoped they would realise that it was due to her disability. Furthermore, she had been too unwell to get counsel and

⁴⁵ Lost.

⁴⁶ 23 May 1951.

could say no more than in her letters. Despite this, the hearing took place on 7 June 1951 in Middle Temple hall, before the Master Treasurer, Ralph Thomas J. Normanton appeared in person. Because she had ceased to practice, they decided to take no action. She said that did not satisfy her, she had never sought publicity and it was painful for her to end her career in this way. They say that she had not been punished and should have avoided situations where she could be written about. This could not have been how she wanted to end her career at the Bar.

This hearing obviously had a profound effect on her. Despite having retired she wrote to Middle Temple on 30 November 1952 to inform them that she had been accused of fraud against a client. There is no evidence of this in her archives and the letter is long and rambling. She commented in passing that ‘for some years now the publicity obtained for Miss Rose Heilbron has frequently been conducted by ways of a parallel to myself, in which I am depicted as her feebly incompetent fore-runner’⁴⁷ This is a clear indication that she felt that history was not judging her well. We may wonder why she did not write an autobiography to set the record straight about what her contributions, but, given the controversy and hearing after the reporting of her lunch party, it is understandable why she did not (although she could have made plans for it to have been published posthumously). Again on 2 October 1952 she wrote to Middle Temple that she had complained to *Britannia and Eve*⁴⁸ magazine that she had been

⁴⁷ MT3/DIS/78

⁴⁸ *Britannia and Eve* ‘Modern Portia’s’ September 1952

described as a barrister when she had in fact retired.⁴⁹ She emphatically denied that she had anything to do with the article. Again she commented that it was generally understood that her practice consisted of dock briefs or poor person's cases.

Normanton's attitude towards practice.

Normanton's feelings described above, as being remembered as a feeble forerunner for Rose Heilbron, or that her practice only consisted of Poor Persons work or dock briefs, did not come from an inflated view of herself or her standing. Rather, the comments failed to acknowledge that she was the 'first', she was the trailblazer: by becoming that first woman to practice she opened the profession to women. Without her contribution there could have been no Rose Heilbron. Her work may have consisted of Poor Person's work and dock briefs, but her practice broke down barriers and paved the way for later women. She said in her announcement of her retirement that she 'had done enough' and she had. We know that she wanted to open the Bar to women, also that she continued to practice when there were probably far more lucrative jobs that she could have pursued. We need now to examine how she managed to stay at the Bar when she had so few cases to make it financially viable.

⁴⁹ MT3/DIS/80

‘Professions produce services rather than goods.’⁵⁰

Barristers in 1919 were advocates and specialists. They were a powerful profession, who understood the law. Their function was to provide advocacy and specialist, expert legal services. Law is manmade, with language constructed to serve a particular purpose: certainty. That language also ensures that only those with a particular training can understand it. Control of the profession in 1919 was by self-regulation and therefore by its members.

Normanton saw the operation of the Bar as essentially masculine and wanted to feminize it: making it accessible to all. It is unclear what she meant by this exactly. Certainly she had mail from women requesting help and their principal complaint was that men did not listen or did not understand.⁵¹ She believed that women did not have access to basic legal training as men did (but in reality probably did not). This is evident from her book, *Everyday Law for Women*.⁵² She wrote this in 1932 with a view that all women should be able to understand it. This idea of helping and advancing women began with the treatment of her mother by the solicitor when Normanton was twelve years old. Normanton’s mother was a single parent of two children. She had no profession and had to find a means to support not only herself but also her children. Normanton was aware of the problems that women faced, she had experience and, importantly, empathy.

⁵⁰ Abel, 1998, op cit, p.8

⁵¹ For example Millicent Blewett Stone WL: 7HLN/A/03

⁵² Normanton, H. *Everyday Law for Women*. Ivor, Nicholson and Watson, 1932. First Edition.

‘Everyday Law for Women’ was published in 1932.⁵³ Its dust jacket boasts that it was written by ‘the first English woman barrister’. Its purpose was to summarise all those parts of English law which had a practical bearing on the lives of women. It was supposed to be written in ‘simple, clear English, without technicalities’ giving information on the legal aspects of a woman’s life from the cradle to the grave. It considered women as ‘fiancée, wife, mother, voter, magistrate, widow, beneficiary under a trust or a will and above all as a householder’. It gave helpful information on women engaging upon commercial activities such as being a partner in a business or a professional partnership or a company director or shareholder. It gave ‘explicit’ guidance upon the recovery of debts, the law concerning agency and a ‘thousand other helpful matters.’ It was supposed to give ‘preliminary’ guidance to a woman seeking legal advice. ‘Rightfully employed’ the book would prevent a woman from ‘harassing legal complications giving her a broad outline of her rights in a thousand perplexing situations.’ It attempted to be a comprehensive bible of women’s rights. Normanton intended that this book would educate women to the same standard as men and prevent them from suffering injustice.

Publishing: A Means to Survival at the Bar

This book might also have been seen by Normanton as a means of supporting her through private practice. It, was however, not a best seller. Her publishers published a publicity review pamphlet about it, quoting numerous sources. The *Law Journal* described it as so

⁵³ Ibid

complete that it would be welcomed by all; the *News Chronicle* commented that it should be standard reference for all; the *Queen* said it should be in the possession of every woman; the *Morning Post* said It was worth more than its price; less convincingly the *Christian Science Monitor* described it as 'Readable'; but *The Times* thought the male reader would find that it applied to him, and the *London Teacher* enthused that it was written with few technicalities.⁵⁴

Normanton had begun work on *Everyday Law for Women* in October 1931. She requested permission to dedicate it to Queen Elizabeth and received a polite but firm letter from Buckingham Palace in September 1932 regretting that this was not possible. The book was published on 15 December 1932. She wrote to her publisher, Ivor Nicholson, on 26 January 1933 expressing her dismay that they had not had it reviewed in all the newspapers as promised. The letter is polite but slightly threateningly, as she relates that 'I have had a tentative offer from another publishing house to write for them a parallel book 'Everyday law for men'. At the moment I cannot tell you their name because they have made me promise to keep that quite confidential otherwise I should tell you.' What was she trying to achieve? A further contract or was she pushing for a harder sell of her book?

Ivor Nicholson replied on 27 January that the newspapers had received the book but were often slipshod. He doubted the book 'Everyday Law for Men' was a good idea as there were already two such books. He met fire with fire by concluding that he was thinking of an 'Everyday' series

⁵⁴ WL: 7HLN/C/15

on topics such as health! Normanton then bombarded him with letters about advertising, including where to send it for further review. She even complained that it was not displayed in the window at Newspaper House, to which they replied that it was, in the corner.

By January 1934 the book was selling at a reduced price. She was informed that she would have to wait for royalties until income from sales passed the £120 already advanced to her. The Director of Nicholson wrote that they were disappointed that it did not sell. She replied with new ideas of publicity, such as marketing the book targeted at magistrates. The final letter from Ivor Nicholson, in October 1934, stated 'I think all your suggestions are excellent and they are being adopted'.⁵⁵ The correspondence then ceased. The book therefore had a dual function: to provide women with a readable understanding of the law and as a way of supplementing her income at the Bar – a way of remaining in practice. *Everyday Law for Women* was not Normanton's only effort at making an income from writing. She was a prolific writer.

Famous Trial Series:

Normanton wrote two books in the Famous Trial series, neither of which concerned her own cases. The first was *The Trial of Alfred Arthur Rouse*⁵⁶ also known as 'the blazing car case'. They

⁵⁵ WL: 7HLN/C/16

⁵⁶ Normanton, H. (ed) *The Trial of Alfred Arthur Rouse* William Hodge and Company Edinburgh and London, 1931.

are what we would describe today as ‘true crime’ books. She acted as editor, taking a transcript of the cases and putting them in a readable form. In her introduction, she thanked her niece Elsie Cannon, for ‘valuable secretarial assistance’. This was an infamous trial conducted by Norman Birkett for the prosecution and a Mr Finnemore for the defence. Justice Talbot presided. The crime had occurred on Thursday 6 November 1930, when the unknown victim was burnt to death on a lonely road near Hardingstone, Northamptonshire. It was suggested by the Prosecution that the defendant, Rouse, had committed it to obscure his identity, as he was in embarrassed circumstances. He was seen at the scene by two witnesses. His defence was that the car had been accidentally set alight by the dead man whilst Rouse was out of it. He was found guilty, sentenced to death and executed in Bedford on 10 March 1930. His confession was published by the *Daily Sketch* the next day.

Her second book that she wrote in the series was: *The Trial of Norman Thorne, the Crowborough Chicken Farm Murderer*.⁵⁷ The defendant pleaded not guilty and maintained his innocence to his execution. The trial was prosecuted by Sir Henry Curtis Bennett KC and defended by Mr J. D. Cassels KC. The facts were simple: the victim, Elsie Cameron, left home on 5 December 1924 to visit her lover, Thorne, who kept a chicken farm in Crowborough. She arrived there, but was never seen again. A search went on for six weeks, with Thorne assisting. They found her dismembered body buried on the chicken farm. He maintained that she had

⁵⁷ Normanton, H. *The Trial of Norman Thorne, The Crowborough Chicken Farm Murderer* Geoffrey Bles Publishers, 1929.

committed suicide or had been murdered by someone else whilst he was out. He was found guilty and hanged. There is no evidence as to how they sold or were received.

Articles

Normanton was also a prolific writer of articles for magazines. At one point her clerk commented that he could not keep up with the accounting for her contributions because there were so many.⁵⁸ She wrote for the *The Quiver* (a Victorian journal) between 1927 and 1935, on a range of topics: children, education, divorce, child offenders, legitimacy, widow's pensions, surnames, holidays, reading.⁵⁹ They approached her in October 1922 requesting that she contributed saying that it was not the 'old fashioned Sunday magazine it used to be years ago'.⁶⁰

She also wrote for the *Pall Mall Gazette* (an evening newspaper) between 1926 and 1928,⁶¹ again on all sorts of issues from marriage; the trial of Roger Casement, to the suspected murderer Madeleine Smith. Likewise, she wrote for *Woman* magazine between 1924 and 1926 on an abundance of issues: dissolution of marriage⁶², Christmas and the Child;⁶³ 'Marriage as a Mausoleum';⁶⁴ 'The Earl of Birkenhead Friend or Foe to Woman's interests?'⁶⁵ She also wrote

⁵⁸ WL: 7HLN/C/07, 11 October 1934

⁵⁹ WL: 7HLN/C/05

⁶⁰ WL: 7HLN/C/17

⁶¹ WL: 7HLN/C/06

⁶² *Woman* November 1924 p.113

⁶³ *Woman* December 1924 p196

⁶⁴ *Woman* October 1925 p29

for *The Queen* between 1934 and 1936. She wrote to them in September 1933 offering her services. As a result she earned £5 5 0 for each article.⁶⁶ She also wrote for *Good Housekeeping* for many years.⁶⁷ Her articles sometimes provoked complaint, such as an article she wrote for *Good Housekeeping* on the USA on 13 July 1925.⁶⁸ They passed the letter to her saying he was not 'what you might call a very polite person'.⁶⁹ But often people wrote to say that they had enjoyed her articles, for example her piece on pensions.⁷⁰ Some of the letters were strange, such as one concerning her article on '*Lonely Woman is the Post war Tragedy*'.⁷¹ A man wrote that he would marry one such woman and gave his age and personal details.⁷²

She also made one off contributions for publications such as for *Child Education* journal in November 1926, on 'Teaching a Child Race'. This is a difficult essay for modern eyes, as she describes how the biggest problem for the US after the Civil war was the future destiny of her coloured population, 'two decades since they were 'raped' from Africa'. She describes the African race as a child race; who needed manual qualifications to fall back on if they could not

⁶⁵ Woman April 1925 p33

⁶⁶ WL: 7HLN/C/03, 11 October 1934

⁶⁷ Between 1924-1939 WL: 7HLN/C/03

⁶⁸ WL: 7HLN/C/03

⁶⁹ WL: 7HLN/C/03 14 July 1925

⁷⁰ WL: 7HLN/C/03 30 December 1925

⁷¹ August 1922

⁷² WL: 7HLN/C/22

succeed in the professions. Why did she differentiate between Africans and Indians?⁷³ She wrote for the *The Englishwoman*⁷⁴ No. 91 July 1916, *The Coming Day*,⁷⁵ *Teachers World*,⁷⁶ *The Nation USA*,⁷⁷ *The Nation*,⁷⁸ *Advertising World*,⁷⁹ *Coming fashions*, magazine,⁸⁰ *The Journal of Careers*,⁸¹ *The Daily Review*,⁸² and she wrote for *Popular Motoring* under the name 'Hortensius' on personalities such as Justice McArdie.⁸³

The Wallis Simpson Article

Normanton was extremely sympathetic towards the plight of Wallis Simpson and Edward VIII.

This is not surprising given her views on marriage and divorce. Normanton wrote to Wallis

⁷³ For an explanation of her mindset see Burton, A. *Burdens of History: British Feminism, Indian Women and Imperial Culture 1865-1915* 1994 University of North Carolina Press

⁷⁴ *The Englishwoman* No. 91 July 1916 'The Privy Council and Women'.

⁷⁵ *The Coming Day* November 1917 p.91 'The Jury System and Women'

⁷⁶ *Teachers World* 27 February 1929 'Mock Trials and How to Arrange Them'.

⁷⁷ *The Nation USA* 19 June 1920 p.831 'Whitewashing British Rule in India'

⁷⁸ *The Nation* 21 December 1921 p721 'The Non-Cooperation Movement' (she argued abandonment was improbable.

⁷⁹ *Advertising World* August 1926 p..329

⁸⁰ *Coming Fashions Magazine* p.70, April 1936 'Your Worldly Goods'.

⁸¹ 1936, numerous articles on the legal profession as a job for women – she quite encouraging, but recommended that it is not for someone without a 'substantial economic background' as takes time to get established.

⁸² *The Daily review* Dec 1938 'My Child's Future'

⁸³ WL: 7HLN/C/07

Simpson⁸⁴ in 1937, whilst she was in France, as she understood that they had a common ancestor, Alice de Montacute. They met at a time (unknown) when Helena described Simpson as ‘melancholy and distressed by the stories against her’.⁸⁵ At that meeting Simpson agreed to Normanton writing a sympathetic article about her. The typed manuscript of the article bears a signed inscription by Simpson, saying that she was pleased with it and wanted no alteration. The article is relatively short, describing how people viewed Edward VIII’s resignation as simply a way for Mrs Warfield [Simpson] to marry a third husband. Normanton argued that it was Simpson who applied for both her first two divorces. It was she who was unhappy and had been wronged. She was innocent of any wrongdoing and deserved sympathy. Simpson was not a Nazi agent, just portrayed as one to misrepresent her. There was, naturally, huge publicity for her article. It was sold for £3000 by Curtis Brown, to the International Publishing Bureau,⁸⁶ who suggested that the Duke should use her as an ‘official line of communication between them and the public’. On 29 April 1937 Simpson had photos taken by Cecil Beaton to accompany the publication of her article in England. The article was published in America only by the *New York Times* on 31 May 1937.⁸⁷ Normanton believed at this point that Simpson would become HRH the Duchess of Windsor.⁸⁸ There was huge publicity and stories began to circulate about Simpson, so by 1 June Curtis Brown wrote to inform Normanton that article was not to be published in England. The article was postponed on the grounds that it could be

⁸⁴ WL: 7HLN/C/11

⁸⁵ WL: 7HLN/C/11

⁸⁶ WL: 7HLN/C/11, 28 April 1937 Letter from Curtis Brown to Normanton.

⁸⁷ ‘Mrs Warfield Denies Rumors on Gems, Trousseau, Aid to Nazis’ by Helena Normanton

⁸⁸ WL: 7HLN/C/11, Letter Normanton 31 May 1937

libellous. By 7 June 1937 the Duke did not want the article to appear. Normanton was very upset. She was planning to write a book about the change of the law on succession. She instructed solicitors to record that she had acted in an honourable way. On 24 June 1937 she received a cheque for £1350 for her work. *The Star*, who had purchased it, did not publish it but wrote two articles incorporating it.⁸⁹

Public Speaking

Normanton also gave many public lectures, as another means of supporting herself. She had always done this, for example in 1916 she lectured on 'Frederick the Great' in Hampstead,⁹⁰ and 'Everyday Law for Women' to the Wolverhampton Women's Luncheon Club.⁹¹ Her archives contain many undated flyers for public talks on a host of different topics, such as history, film and women's rights.⁹²

1957: Her Final Writing

Even in the year of her death, she was still writing. She attempted to publish a book called *The Detection of Willobie's Avisa*. She wrote two chapters of this book⁹³ and her niece sent them to

⁸⁹ The Star 4 & 5 June 1937

⁹⁰ WL: 7HLN/A/29

⁹¹ For three guineas. She had to remind the Liverpool Women Citizens' Association Council that they owed her £1. 17.0 for an address she gave in 1933.

⁹² WL: 7HLN/A/07

⁹³ WL: 7HLN/C Lovat Dickson publishers 6 August 1937

a publisher. It was rejected⁹⁴ on the grounds that it neither scholarly enough nor popular enough for the general public. They did, however, say that they looked forward to her autobiography. We can see that her journalistic efforts were enormous. Writing provided a way for her to continue practising at the Bar. She had a very busy work life.

Prisoners

Normanton's did not just have one objective in her life: to open the Bar up to women. She also believed in justice for all, and including defendants. We have seen that Normanton both prosecuted and defended cases. She had strong views on justice. She believed absolutely in British justice. In 1925 she remarked:

‘The Judges in the courts are a fine type of men and do not make a discrimination in their dealing with cases that come before them. The poor man gets justice and when he wins a verdict against a rich corporation the latter has to pay and cannot swing the case from one court to another until the unfortunate plaintiff is ruined or dead.’⁹⁵

She firmly believed that justice should be open to both men and women equally. She had great empathy for her clients and tried to do her best for them in and out of the courtroom. She did not see her role as just applying the ‘cab rank rule’. She did not only view her job in life as opening the Bar to women but also as feminising the criminal justice system.

⁹⁴ WL: 7HLN/C Jarrolds Publishers 8 August 1957

⁹⁵ 7 January 1925 *The New York Times* ‘Woman Barrister of England Here’

Given these strongly held liberal views it seems strange that she was less certain about capital punishment. She had previously been on the list supporting the abolition of the death penalty, but in July 1939⁹⁶ she wrote to Mr Pritt, of the National Council for the Abolition of the Death Penalty, requesting that he took her name off the list, 'as it is unfair to waste your stationery and postage. I have oscillating views on the subject. I don't like the death penalty but also don't like the arguments put forward for abolition.' By 1957 she had formed a view that the death penalty should be kept for murder during rape.⁹⁷ Capital punishment is about retribution and vengeance, yet Normanton's behaviour towards her criminal clients bordered on the ideal maternal model, full of forgiveness and compassion. Some of the letters from prisoners in her papers demonstrate that she felt a duty of social work towards her clients. But this feminising of the law did not mean sacrificing justice.

In May 1937 the *Daily Express*⁹⁸ reported that George Cheshunt⁹⁹ (38) 'thanked Miss Normanton for fighting so skilfully such a hopeless case'. Cheshunt had pleaded guilty to fraud and was sentenced to 3 years penal servitude and 5 years preventive detention (he also had 2 years of his previous sentence to serve). Apparently his method of fraud never varied: he would ring up a nurses' association and ask for a nurse to look after a member of his family who was ill in a distant town. He would then get rid of the nurse for a few moments at the railway

⁹⁶ WL: 7HLN/A/18. 12 July 1939.

⁹⁷ WL: 7HLN/A/17. 11 January 1957 letter from Salisbury, Privy Council Office to Helena Normanton.

⁹⁸ 27 May 1937, *Daily Express*, 'Lone Criminal Thanks Woman From Dock'.

⁹⁹ aka Sylvan de Hirsch-Davies

station, steal her luggage and disappear. He would sell or pawn the luggage and use it to swindle others.

The day after he was sentenced, Cheshunt wrote to Normanton.¹⁰⁰ His letter was extremely emotional. He thanked her from the 'bottom of his heart' for the effort that she gave to his case. 'It was a colossal task' he wrote and 'and you are the only being whoever really cared whether I got out of my difficulty or not. The decision went against me. But that was not your fault Mrs. Normanton. Your final address to the jury was magnificent...' He continued that he had no doubt that the Judge summed up with a bias against him. He was confused as to whether to appeal against conviction and asked her professional legal opinion. Further, he wrote, 'I have naturally been hard hit by the verdict. 'You are right. I am not what I have become, by my own personal wish. I am part invalid. If I could be treated I would wish for no greater happiness than to then be able to justify your faith in my condition. Do you really mean what you said, Mrs. Normanton? Would you really try and obtain a job for me when this over? Oh-if only I could look forward to this as a certainty, then I would never let you down. It seems too good to be true. You see I have had such a long and hopeless experience of employment without a reference that am almost afraid to build my hopes upon anything now. But I really have faith in you...' He then asked for permission to write to her, 'If you tell me I may hope then I will crush this sentence.'

¹⁰⁰WL; 7HLN/A/25 27 May 1937 letter from prisoner G Cheshunt (3668) to Normanton.

Normanton had her Clerk reply to him.¹⁰¹ The Clerk informed Cheshunt that Normanton would consider his case but he was not to get his hopes up. He wrote that Normanton would do whatever she could and then communicate with him. He was told not to lose heart and to take every opportunity to take up the studies available to him. Normanton would not lose sight of his case. This was a kind letter, but one that set distance between Normanton and her former client. But Cheshunt persisted. Two days later, he wrote to Normanton again¹⁰² asking whether or not he should appeal. He flattered her with words about her expertise, but she would have been well aware of his mode of operation. He was insistent, but too pushy, commenting that he had not had a reply to his letter, and suggesting that perhaps there was a delay in prisoners receiving their mail. He said that he remembered her kindness to him in making a personal offer to help him put 'this sort of a life' behind him. He continued that he felt that he could count on her word and that her fight in court for him was in reality successful. He was certain that the jury agreed with her and convinced that the judge used undue influence over them. He wrote that he was anxious to hear from her as he only had 10 days to launch an appeal. He was obviously concerned about his appeal and was using flattery, but underneath all of that there is a sense that he believed that she really connected with him.

Again, Normanton distanced herself from him by getting her Clerk to reply.¹⁰³ This was a considered and cautious reply. The clerk explained that Normanton had been 'overwhelmingly engaged' since his case (we know that her practice was not that busy) and that she feared that

¹⁰¹ WL: 7HLN/A/25 29 May 1937.

¹⁰² WL: 7HLN/A/25 31 May 1937 letter from prisoner G Cheshunt (3668) to Normanton.

¹⁰³ WL: 7HLN/A/25 2 June 1937. Letter from HN's clerk to G Cheshunt

if they appealed and lost the Court of Appeal might increase his sentence. He informed him how to appeal as a litigant in person, clearly indicating that Normanton did not believe that there was much chance of success and would not act for him. He finished by adding that Normanton had not forgotten 'the other matters' and that as soon as he arrived at the prison where he would serve most of his sentence, he could write to her and, if his general record warranted it, she would try to shorten his preventive detention, as this was reviewed from time to time. She would not be manipulated by him, but set clear boundaries.

We might expect this to be the end of the story: he was a convicted conman who had not managed to exploit her. However, in December 1937 Cheshunt wrote further to Normanton from Parkhurst.¹⁰⁴ He described himself as being in 'good health' and that his spirits had returned to how they were in his college days, 'I have made an appalling waste of my life.' He wrote that he had experienced in the few months at Parkhurst more real introspection than he had in all his life: 'the result?-I'm through with all this nonsense. I shall yet get to the top of the ladder.' He described how he had learnt four languages in prison and was reading copious amounts of literature. The 'black sheep', he continued, was not broken, 'he is captive only.' His letter explains his determination to turn his life around and that he would win whether he had anyone who cared for him or not and he would not forget that she wished him well. She clearly had made a major impact on his life and he told her that if he never saw her again he would not forget that she wished him well and would not forget their 'long talk'. He described her as not being like the other lawyers, not after money; rather she was doing some good in life. He

¹⁰⁴ 7HLN/A/25. 20 December 1937.

finished by wishing her a Merry Christmas and saying that he was not bitter, rather paying his bill as he had been wicked.

We have no direct evidence of what was said in that ‘long talk’. In a letter to Sir Alexander Maxwell, Principal Under-Secretary of State at the Home office¹⁰⁵, Normanton explained that Cheshunt had asked to speak to his lady counsel after he was sentenced, as he had no family in the world, and he had urged her to tell him how he was to bear his sentence. She advised him to learn languages, never thinking that he would take her advice.

The following year,¹⁰⁶ Normanton wrote to the Governor of Parkhurst, asking if she could send Cheshunt a card and also give a foreign language book (for him) to the library. This must have been allowed as Cheshunt wrote¹⁰⁷ thanking her for her continued kindness’. He felt she had kept her word. He recounted that his languages were improving (Italian, French, German and Spanish). Poignantly, he adds that her cards and books cheered him up, ‘You are unlike most women, you are rather more to be compared to a man. For your word is not an empty one.’ He said that the Governor knew her reputation and granted all she asked for. She must have been sending him money, as he says that he did not want to spend her money as her

¹⁰⁵ WL: 7HLN/A/25. 31 December 1937

¹⁰⁶ WL: 7HLN/A/25. 9 December 1938.

¹⁰⁷ WL: 7HLN/A/25. 13 December 1938.

‘friendship is enough’. She replied almost immediately,¹⁰⁸ that she was glad to receive his letter and was sending a parcel of books.¹⁰⁹

In February 1939 Normanton wrote to the Governor of Parkhurst¹¹⁰ almost in her capacity as a teacher. She was concerned that Cheshunt needed to further his studies by translating English into the other language. She had been unable to find a suitable book and so was sending a calendar of ‘Great Thoughts’ by separate post addressed to the Governor. She felt that if Cheshunt could translate the sentence for each day into a language he was learning it might be useful. She asked if Cheshunt ‘may have’ the calendar? And if it was not too much trouble could the Governor write to her and tell her if any help is given to convicts to gain the right pronunciation?’ She ended with a request for information ‘I am certainly somewhat impressed by this man’s perseverance; that is to say if he is telling me the whole truth, but as his record was an extremely bad one I cannot give full credence to what he says without some word of confirmation from yourself.’ The Governor replied two days later¹¹¹ informing her that they had a complete set of linguaphones. He admitted that he did not know how much private study Cheshunt did, but had advised him to see the Chaplain. He obviously recognised Normanton’s desire for an account of Cheshunt’s behaviour as he finished with ‘Cheshunt is going on very well. He is well behaved and in a position of trust’. The letters continued in much the same way, but we have no knowledge of what happened to Cheshunt on his release.

¹⁰⁸ WL: 7HLN/A/25. 15 December 1938.

¹⁰⁹ WL: 7HLN/A/25. 25 December 1938, he wrote thanking her for the books and saying that he had enjoyed them. He especially loved her cards – he loved beautiful things.

¹¹⁰ WL: 7HLN/A/25. 20 February 1939.

¹¹¹ WL: 7HLN/A/25. 22 February 1939.

Cheshunt was not the only client with whom Normanton kept in touch with. *The Daily Express*¹¹² reported that two women played parts in a drama at the Old Bailey during a case regarding James Barney (Mason)¹¹³ who pleaded guilty to breaking into a shop. He had been released early for a previous crime and was sentenced to a nominal day imprisonment for this offence and 20 months in Dartmoor for the unexpired offence. Apparently both Normanton, as his barrister, and Barney's wife pleaded for him, to no avail. The wife said that this was the first time that he had been given a chance. She related how they had met in Dublin and he had been honest with her about his criminal past. He went 'straight' for 6 years but, on his return to London, he met some of his old friends and returned to crime. In their 16 years of marriage she had only been with him for 7 years. He had promised her, this time, to put his life of crime behind him.

Two years later Barney wrote to Normanton¹¹⁴ explaining that he was at the end of his sentence and needed her help to win an early release. Apparently she had told him previously that she might know of a builder who would employ him. Normanton replied immediately saying that there was no hope of the builder but that she would try to help.¹¹⁵ He desperately related his past work experience¹¹⁶ in another letter.¹¹⁷ Normanton sadly replied that she could

¹¹² Daily Express 13 October 1937, *Women Win Another Chance for Convict*

¹¹³ Aged 52 and a carpenter.

¹¹⁴ WL: 7HLN/A/25. 14 February 1939.

¹¹⁵ WL: 7HLN/A/25. 20 February 1939.

¹¹⁶ Auctioneer, estate agent, junior bank clerk, advertising, male nurse, Irish tour guide, courier, strong, willing, and would do anything with his hands.

not make arrangements for a man who was not free and wished him luck.¹¹⁸ He wrote to her again¹¹⁹ thanking her for her help and saying that he understood that she could not do more in this 'hopeless matter' and that it was the 'difficulty of first getting a job that gets prisoners down'. He said that he would honestly go straight and that he would peddle newspapers first.

They must have kept in touch as Normanton received a letter from Barney in September 1939¹²⁰ thanking her for her endeavours on his behalf. He wrote that he wished that he could do more to help her. He said that he was not a competent typist but could use a machine. He wrote that he was willing to work at anything – hard manual work, housework, clerical, organising or executive. He wrote of the difficulties that prisoners suffered when trying to find a job with a criminal record and no references. He said that he would work day or night to make good, he just wanted to go straight and be a normal citizen. He said that he would pleased to tend her garden, clean her car, windows or scrub the floors, that he was a good plain cook and 'housewife', he could redecorate a room, glaze, paint a window or do odd jobs. He must have gone for a job interview because he wrote to her a week later informing her that he did not get the job because of the economic situation.¹²¹ He said that he had seen someone at the Old Bailey and showed him her recommendation, but all that could be done was to send him to the Prisoners Aid Society, who gave him a letter to the Public Assistance Board. They too were unable to help him. He said sadly that he was 'now back where he started – nowhere

¹¹⁷ WL: 7HLN/A/25. 27 February 1939.

¹¹⁸ WL: 7HLN/A/25. 4 April 1939.

¹¹⁹ WL: 7HLN/A/25. 11 April 1939.

¹²⁰ WL: 7HLN/A/04. 17 September 1939.

¹²¹ WL: 7HLN/A/25. 24 September 1939.

and am on the verge of destitution. But I am strong, healthy, willing & anxious to exist in freedom'. He said that he now faced eviction, 'Do people realise how hard it is for men like me to come back?' He thanked her from the bottom of his heart and wished that he could show her that he is not a 'slacker'.

She clearly helped him by providing references as he wrote to her again with 'good news',¹²² he had been employed by the Church Army. He ensured her that he would not let her down and with her references he was an 'armed man'. He enthused that what she had done meant a new life for him and his wife.¹²³ That was not the end of the story as he wrote to her one final time saying that he had 'better news':¹²⁴ he had a job in Pimlico at £3 per week, in this financial year she made just £10 from her practice, with food vouchers. He returned the money that she had sent him (2/6) with sincere thanks.

Cheshunt and Barney were not the only prisoners that she helped and wrote to. Her files at the Women's Library contain many such letters from prisoners.¹²⁵ Why did she reply to them and take such an interest in their futures? Why did she write letters of recommendation and send money? This was not the job of a barrister where the cab rank rule applied. She obviously

¹²² WL: 7HLN/A/25. 29 September 1939.

¹²³ His wife was now an invalid. With the evacuation of the Brompton she was unable to have her lung removed. Without the operation there was no hope recovery.

¹²⁴ WL: 7HLN/A/04. 30 October 1939.

¹²⁵ WL: HLN/A/25. For example others include Wallace (Brixton 1484) who wrote her poems, he was extremely depressed and was only allowed to write about his health and the weather; Montagu Cohen (Wandsworth 2293) thanking her for her help and fearful of leaving prisoner, he had seen the Chaplain as she advised.

spent time with her clients and tried to sort their lives out, not just their cases. She was working in a social work role rather than just that of a barrister. This perhaps did not seem very professional to solicitors. She was not behaving as a typical barrister. Her behaviour may have been interpreted as too feminine and 'motherly' to make her a credible barrister.

The Bar: A Career for a Woman?

Normanton was very much the pioneer for the whole of her legal life. The numbers of women called illustrate that there was not a great clamour of women attempting to join the Bar, the floodgates had not been opened. Many women were aware of the difficulties of life at the Bar. For example Beatrice Davy wrote 'for a woman who must earn her own living the Bar is the very last profession in the world'.¹²⁶ She became a solicitor. Similarly, Winifred Holtby wrote that 'It is still impossible for many able women to make a living from the law.'¹²⁷ DW Hughes wrote that any women choosing to go to the Bar 'needs to be a woman of exceptional determination'. In a careers guide Willes (1938) advised boys to go to the Bar, but wrote 'I cannot fairly and honestly state that at the present time (whatever may come to pass or lie hidden in the future of a 'progressive' or rapidly changing world) practice at the Bar, in this country is a career which a woman or girl, even though possessed of exceptional ability, could be advised to adopt without serious misgivings.'¹²⁸ Another careers guide in 1955 stated 'the chances of any woman

¹²⁶ Cairns, J.A.R *Careers for Girls* 1928 Hutchinson: London 1928 p. 53

¹²⁷ Holtby, W, *Women and a Changing Civilisation*, London: Bodely Head, 1934 p.280

¹²⁸ Oliver, *What Shall I be? A Book of Careers* London: Collins 1938, p.66-67

following her [Rose Hellibron] as a successful barrister are fairly remote'.¹²⁹ It advised them to be solicitors instead.

Normanton herself wrote in December 1932¹³⁰ that she had just read an article by Lady Oxford who said that the Bar was not a suitable profession for women. Normanton pointed to examples such as Florence Nightingale and Jane Austen (who had to hide her manuscripts). She railed that the whole article was years out of date. She felt it a great pity that, just because a woman has title, she is used as an authority. She finished by arguing that Lady Oxford's husband, as Mr Asquith, did not earn as much money in his early years at the Bar as many women were making in their early years.

Conclusion

Normanton practised until she was sixty-eight years old. Despite infrequent work she remained at the Bar. Her perseverance displays utter professionalism and devotion to her chosen career, one that was hard fought for. We saw this in her dealings with clients and in the fact that she worked as a journalist in order to continue working at the Bar. Even in the twilight of her career she was subjected to numerous, unfounded self-publicising inquiries. As a result she never became a Judge (something she deeply desired), but did become a KC, which was a major achievement. She kept practising, even though she was perceived as working on junior cases and so as not very professional.

¹²⁹ Heal, J. *Book of Careers for Girls* Bodley Head 1955, p 153

¹³⁰ WL: 7HLN/A/18. Letter to Strand Magazine 1932.

Normanton's legal career is difficult to analyse because it was complex. On the one hand, she made a poor living, but on the other she remained in practice. She fulfilled her ambition.

Sources are very sketchy, so it is difficult to piece the jigsaw together. We can see that she entered the Bar late in life and so was 20 years behind many of her male peers. She remained in practice by hard work – either at the Bar or through journalism. Her devotion to the career was not just about opening up the profession to women, but also feminising the profession. She helped her clients, but she also carried out justice, the two were not mutually exclusive.

Chapter 9

Campaigns

‘Anne Boleyn did not change her name even though she married the King. He at least had the decency to leave with her own name even though he took her head’

Helena Normanton¹

Normanton remained married to her husband until his death in 1948 but she was well aware that other women’s experiences of marriage were less happy.² Her archives contain many letters from women begging for help because they were trapped in difficult marriages.³ Although Normanton’s ambition in life was to open the Bar up to women she also campaigned fearlessly for other feminist causes, such as equal treatment with regard to divorce, the right of British women married to foreigners to keep their name and citizenship⁴ and tax reform.⁵ This chapter will focus on her campaign to equalise divorce law, as this was central to her practice.

In 1921 (the year of her marriage) the only way for women or men to seek a divorce in England and Wales was through the Matrimonial Causes Act 1857.⁶ Previously divorce could only be

¹ *Yorkshire Post* 20 March 1954

² Cannon affectionately recalled how their marriage was one in which ‘sparks could fly’ WL: 7HLN/C/09.

³ WL: 7HLN/A/03

⁴ WL: 7HLN/B/03

⁵ WL: 7HLN/B/02

⁶ This is the same piece of legislation that her own mother would have had to use if her husband had not died (and she had wished to divorce him).

obtained through a Private Act of Parliament.⁷ Before 1857 a man wishing to divorce his wife had to show that the wife had committed adultery, that he had not and that there was no collusion between the two parties. There was a sexual double standard as the wife, on asking for a divorce, had to prove aggravated adultery.⁸ Divorce was a lengthy process as, first, the party asking for divorce was required to petition the Ecclesiastical courts for a *mensa et thoro*⁹ in order for the couple to live separately, then they had to seek a judgment in their favour for *criminal conversation* and, finally, apply for a Private Act of Parliament. This was expensive and time consuming.¹⁰

The 1857 Act significantly improved the process of obtaining a divorce, but largely maintained the previous limited and unequal grounds. The legislation did not arise primarily from concern for divorce reform, rather it was a result of a need by an industrialised country to reform the laws regarding probate.¹¹ In 1857 the Ecclesiastical Court were dissolved in respect of divorce and probate. New courts of Probate and Divorce and Matrimonial Causes were created. The 1857 legislation followed the old grounds for divorce exactly. A man could divorce his wife if he could prove she had committed adultery (Ss27 & 31). A wife wishing to obtain a divorce had to prove under s.27 that her husband had committed aggravated adultery; this meant adultery plus incest, bigamy, desertion for two years, cruelty, rape, sodomy or bestiality.¹² Even this

⁷ Cretney, S. *Family Law in the Twentieth Century* Oxford, OUP, p. 161

⁸ *ibid*

⁹ *ibid*

¹⁰ *ibid*

¹¹ *Ibid*, p. 162

¹² 40% of divorce petitions were from women between 1858-1900, see Stone, L. *Road to Divorce, England 1530-1987* OUP, 1990.

somewhat more accessible procedure was subject to a key constraint: the divorce court, created by the Act, only sat in London. This further added to the legal costs of those living outside London. The underlying policy was that marriage should remain sacrosanct although the law should not be so harsh that it would lead to the formation of illicit unions.¹³

In 1892 a Bill was introduced by Dr William Hunter¹⁴ who wanted to extend the grounds for divorce, there was no intention by him to create any kind of equality between the sexes. It was rejected.¹⁵ In 1902 a second Bill was introduced by the Second Earl Russell in which he proposed divorce should be allowed on the grounds of adultery, cruelty, living apart for three years or living apart for one year if both parties agreed, prison sentence of more than three years or insanity. This was rejected and when he proposed it the following year it was again rejected. It was claimed that such an Act would abolish marriage.¹⁶ In 1909 the Royal Commission on Divorce and Matrimonial Causes (the Gorell Commission) was asked to consider divorce reform, but they failed to agree their findings. The majority report suggested that divorce be allowed in cases of adultery, desertion for three years, cruelty, insanity, habitual drunkenness and imprisonment under a commuted death sentence. No new legislation was proposed because of their lack of consensus. In 1918 Lord Buckmaster introduced a Bill that

¹³ Cohabitation was not new in England and was often a direct result of the unsatisfactory divorce laws, see Thane, P, *Happy Families: History and Family Policy* British Academy Policy centre London 2011.

¹⁴ He was a Scottish Professor of Roman Law, see Eliza Orme, 'Hunter, William Alexander (1844–1898)', rev. C. A. Creffield, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

¹⁵ Cretny, S. 2011, op cit, p.203

¹⁶ Ibid, p.205.

would allow divorce on the basis of five years desertion, this was also rejected. He would reintroduce his Bill in 1924 designed to relieve human agony, but again it would be rejected.

In 1923 the National Union of Societies for Equal Citizenship¹⁷ (NUSEC, a group for which Normanton sat on the Legal Profession and Sex Disabilities Special Committee until 1920, when it was disbanded) introduced a Bill which proposed equal grounds for divorce between husbands and wives. This became law on July 18 1923 by virtue of s. 1 Matrimonial Causes Act 1923.¹⁸ Women could now also divorce their husbands on the grounds of his simple adultery. This satisfied the NUSEC's desire for equality but did nothing further to reform the law. Without adultery there could be no divorce. This was a blow for divorce reformers. Divorce continued to be very expensive and adultery the only ground. It did nothing if a party had been deserted or treated cruelly. Many couples had to remain married or co-habiting with a new partner as one or both could not afford a divorce.¹⁹ In 1858 there were 244 divorce petitions, in 1914 1000 and more than 10, 000 in 1942, following further changes in the law.²⁰

Normanton had an ally in her fight to enter the Bar, Holford Knight,²¹ a barrister and Labour MP for Nottingham South. He, like Lord Buckmaster tirelessly campaigned for women's admission

¹⁷ This National Union of Women's Suffrage became NUSEC in March 1919 with Eleanor Rathbone succeeding Millicent Fawcett. In 1932 it would separate its campaign and education functions to the National Council for Equal Citizenship. See WL: NA1041.

¹⁸ Which amended the Matrimonial Causes Act 1857 s. 27.

¹⁹ Masson, 2008, op cit and Thane, 2011, op cit, p. 9.

²⁰ Thane 2011, op cit.

²¹ George Wilfred Holford Knight 1877-1936, Barrister and Labour MP for Nottingham South 1931-1935. Author of *Oxford Dictionary of National Biography*, Oxford University Press 2013 and see below Ch 3.

to the legal profession. Also, like Lord Buckmaster, he was a divorce reformer. He identified a factor that the Gorell Royal Commission had drawn out: that insanity was a large problem in the failure of marriage. In 1930 he proposed a Bill which would have allowed divorce on the grounds of insanity for a period of five years.²² His Bill failed on two occasions. He tried again in 1934 to introduce the majority proposals of the Gorell commission and again failed.

Normanton was very involved in this issue. Her strong views on divorce can be found in a letter to a Mrs Gray dated 15 April 1935 where she argued that the grounds for divorce should be extended.²³ She was concerned about the irregular partnerships that arose where people could not get divorced and about the high cost of divorce. She felt that the law was corrupt and encouraged immorality because people who realised that their marriages were over had to commit adultery or pretend to be adulterous (by being photographed outside a hotel).²⁴ She pointed out that even the Orthodox church of Bulgaria allowed extensive grounds for divorce including infidelity, gambling, attempt to murder, or cruelty to children. She was radical (but not alone²⁵) concerning divorce. Her involvement in divorce reform was formalised in 1932 when she was appointed as honorary secretary and legal adviser to the newly created National Council for Equal Citizenship.²⁶ She was required 'to survey the whole field of inequality in the law between men and women, and to provide for an expert legal examination of Bills dealing

²² Cretney, S. 2011, *op cit*, p.227

²³ WL: 7 HLN/B/01

²⁴ Cretney, 2011, *op cit*, p. 229

²⁵ *Ibid*.

²⁶ WL: 7HLN/B/02 National Council for Equal Citizenship Annual report 1932 p. 5. This was the campaigning and education arm of the NUSEC.

with these subjects which come before Parliament.’²⁷ This Committee was asked to consider the marriage laws and the question of testamentary provision. This gave her an official reason to consider divorce reform, rather than in her role as barrister, a role, which we saw earlier involved her being wary of self-publicising.

Normanton wrote an article for the *Daily Herald*²⁸ in January 1934 describing the divorce laws ‘as outworn’. She discussed a disturbing divorce case in which she had acted for the wife²⁹ who petitioned for divorce from her imprisoned husband (in prison for attempting to murder her); he was counter-claiming for custody of their sole child. The wife was only able to gain a divorce as she could prove his adultery before he tried to kill her. If he had not committed adultery she would have had no redress. Normanton lamented Holford Knight’s failed Bill, an embodiment of the Majority Report of the Royal Commission on Divorce of 1912. Her scrapbook noted³⁰ ‘The *Daily Herald* was anxious for me to write a Divorce law Reform article under the heading of the *Benson* case, but as I had appeared for the petitioner I asked to wait for a month until my own name as Counsel should have faded from the public memory. I also consulted the BAR COUNCIL in great detail about this article and fully complied with their views. HN.’

²⁷ WL: 7HLN/B/02

²⁸ *Daily Herald* 11 January 1934, ‘Prisons within prisons’.

²⁹ *Benson v Benson* 1933, see p.254 above

³⁰ WL: 7HLN/A/04 p. 28

Also in 1934 A. P. Herbert published a novel called *Holy Deadlock*³¹ which highlighted the difficulties of the divorce law. It sold 90 000 copies.³² The following year he stood for election as an Independent for one of the two Oxford University seats. University graduates were allowed to vote in their home constituency AND in their university constituency. He was elected and immediately introduced a divorce Bill, along the lines of the Gorell majority recommendations, but with some differences: no divorce for the FIRST five years, but grounds for desertion after three years included cruelty, insanity, drunkenness and a commuted death sentence. Normanton was furious about the clause in the Bill prohibiting divorce during the first five years of marriage. This would become a great source of controversy. She declared that this was a '*cowardly capitulation to reactionary ecclesiastics, who would rather never see young people free to marry.*'³³ She was being unrealistic: some compromise was necessary since there was strong opposition to modification of the law.

The women's movement was active. In July 1934³⁴ Normanton received a letter from the National Council for Equal Citizenship³⁵ informing her that their resolution on reform of the matrimonial law had been placed on the National Council of Women's agenda for their Annual meeting in Edinburgh. It did not mention anything about the proposed provision that there could be no divorce within the first five years of marriage. The Resolution read as follows:-

³¹ Herbert, A. P. *Holy Deadlock* (published 1934) Penguin London, 1935

³² Pound, R. *A P Herbert: A Biography* Michael Joseph, 1976, Reginald Pound, 'Herbert, Sir Alan Patrick (1890–1971)', rev. Katherine Mullin, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

³³ WL: 7HLN/B/03 3 October 1934 her observations on the draft Bill.

³⁴ WL: 7HLN/B/0318 July 1934 letter from Marjorie Green secretary for the National Council for Equal Citizenship

³⁵ WL: 7HLN/B/01

'This Council holds that, as divorce cannot now be obtained unless adultery (or, on the part of the husband unnatural conduct) be proved, the present law both encourages immorality and leads to much individual hardship. This council therefore urges the Government to carry out the recommendations of the Majority Report of the Royal Commission on the Divorce Laws 1912 or to support legislation such as has been twice passed by the House of Lords by which the grounds for divorce for both husband and wife shall include adultery, desertion after three years, persistent cruelty, habitual drunkenness, incurable insanity after five years confinement, or imprisonment under the commuted death sentence. It further urges that all the inequalities between men and women be removed.'

Normanton was asked to attend the meeting and propose the resolution. Normanton, ever fearful of being accused of self-publicising, wrote to the Bar Council³⁶ informing them that she would be proposing, at the Annual Conference of the National Council of Women, in Edinburgh, a resolution advocating reform of the matrimonial law upon the lines suggested by the Royal Commission 1912. She asked for permission to quote a Judge in the case of *Benson v Benson* where he commented upon the deficiencies in matrimonial law. They replied that this was acceptable but that she must not mention that she was counsel.³⁷

In early October 1934 she addressed the conference in Edinburgh.³⁸ Her notes outline her argument. She argued that it was very difficult to advocate reform of the English Matrimonial

³⁶ WL: 7HLN/A/07

³⁷ WL: 7HLN/A/0727 September 1934

³⁸ WL: 7HLN/B/03

Law for three reasons: extreme theologies, the professors who believed that to change the law would render England a replica of Hollywood or Reno, and because there were vast numbers of apathetic people—either single or happily married, who could not visualise the suffering of others. She then outlined the *Benson* case. She finished:

‘The Christian ideal connotes monogamous union of complete fidelity... it is difficult to see how this ideal can be carried out where habitual drunkenness, incurable insanity or life imprisonment is in fact separating the parties and it might be far kinder to set the unhappy free so that they could enter into other and better unions where it might be possible to try to attain the highest ideals.’³⁹

The resolution was passed, even though the Mothers’ Union (not surprisingly) strongly opposed her suggested reform, arguing that marriage was indissoluble.⁴⁰ Parts of the resolution were incorporated into a modified version of Herbert’s Bill.

The success of the resolution was not a foregone conclusion, Normanton was fearful that her resolution would not be passed. She wrote⁴¹ that:

‘I was little depressed by the reception on Monday evening [after her speech] as no one I spoke to seemed to think that the resolution would go through, as the Mothers’ Union had been doing hard work against it. I also had information to this effect before I left London and you may have seen the attack in the Queen upon the resolution by the

³⁹ WL: 7HLN/B/01

⁴⁰ WL: 7HLN/B/03

⁴¹ 5 October 1934 Normanton to Mrs Hubbock, WL: 7HLN/B/01

Countess of Selbourne. However that attack will be virtually replied to by an article by myself in this or next week's number...'

She expressed her relief that it was passed, '*...It went through by a very large majority and Lady Nunburnholme did not even think it necessary to have a count to see if the necessary two-thirds had been obtained.*' She admitted that she had deliberately avoided being provocative. She commented that she had not attended the conference for years and thought that the standard of intelligence '*has gone up enormously from what it used to be.*' She felt it evident that the National Council for Women had become a far more progressive body than it used to be. Her proposal was seen by some as a 'triumph'.⁴² However others were not so enamoured, for example the *Scottish Guardian*⁴³ (a church paper) said women like Normanton's recalled 'the stirring times before the war, and the atmosphere of violence and law resistance by which the way was prepared for Communism and fascism... Mrs Normanton who pontifically directs the reading of the great body of women who peruse the popular magazine *Good Housekeeping*...presented the case for easier divorce...Mrs Normanton, promoted to the rank of General Council for the Catholic Church...' She threatened them with an action for libel.⁴⁴ Lady Nunburnholme⁴⁵ wrote to Normanton advising her that the NCW would not be taking the newspaper report further, rather they would be writing to the Bishop of Aberdeen and Orkney about it.

⁴² WL: 7HLN/B/03, letter from Mrs Hubbock to Normanton 11 October 1934

⁴³ WL: 7HLN/B/03 12 October 1934

⁴⁴ WL: 7HLN/B/03 18 October 1934

⁴⁵ WL: 7HLN/B/03 26 October 1934

She campaigned for reform as ferociously as she had done for the opening of the legal profession to women. For example she was invited to by the NCEC⁴⁶ to speak at their conference on Marriage Law Reform,⁴⁷ to which she agreed⁴⁸ saying that the task of marriage reformers was heavy because the 'enemy is vigilant and unscrupulous'. In January 1935 she agreed to speak to the Portsmouth Women Citizens' Association on Matrimonial law.⁴⁹ These women's groups were pressuring for divorce reform. In March 1935 at the annual Council meeting⁵⁰ of the NCEC it was noted that the law on dissolution of marriage was unequal and the grounds too narrow, the fact that divorce was only allowed for adultery led to unavoidable immorality, and the law inflicted great hardship. They were of the opinion that the sanctity and dignity of marriage were assailed by large numbers of irregular unions, respect for the law was undermined and they demanded the reforms proposed in the Gorell majority report.

Normanton did not believe that the Herbert Bill was the way forward. She wrote detailed 'observations'⁵¹ on it, which must have been her private views on the Bill. This is a long document that goes through the Bill in minute detail. To give a flavour, she commented:⁵²

'The Bill's drafting is extremely defective, and if placed upon the Statute book without drastic amendment would cause more troubles than it would ever cure. It is also notable

⁴⁶ WL: 7HLN/B/03 18 October 1934

⁴⁷ WL: 7HLN/B/03 19 November 1935 at 4:30pm at the Millicent Fawcett Hall.

⁴⁸ WL: 7HLN/B/03 24 October 1934

⁴⁹ WL: 7HLN/A/29 Letters from Mrs Barton, Chairman of Portsmouth Women Citizens' Association to HN on 11 January 1935, 17 January 1935, and 24 January 1935

⁵⁰ WL: 7HLN/B/03

⁵¹ WL: 7HLN/B/02, 6 February 1936 Normanton's observations document on the Marriage Bill 1936

⁵² Ibid p. 11 of the scrapbook

that it entirely omits any dealing with the injustices which arise under Variation of Settlements, Permanent Maintenance, and Alimony. These however are not very numerous and rarely serious.'

She believed that allowing no decree of divorce until after 5 years of marriage was a '*cruel piece of tyranny*', that the grounds for divorce were 'Prima facie fairly satisfactory' but on Jurisdiction and domicile the clauses were 'a miserable and nibbling attempt to deal with this issue'. She wrote to the NCEC⁵³ that she was very worried about the Bill and the NCEC resolution on it. She added that she should receive 10-15 guineas from the NCEC for her work on her legal opinion, she did not want the money but did want to hear that it has been 'considered and suitably used.'

Normanton's strong views can be found in a letter in April 1935⁵⁴ in which she argued that the grounds for divorce should be extended due to irregular partnerships which arose because the law denied people divorce. The costs of divorce also concerned her, but Christian arguments did not as she countered that even the Orthodox church of Bulgaria, advocated extensive grounds for divorce including infidelity, gambling, attempt to murder, and cruelty to children. Almost a year later in March 1936 the NCEC held its Annual Council meeting in which they proposed that the majority report of the Gorell Commission be enacted. That was uncontroversial, but there was much discussion over whether additional clauses should be inserted such as:

⁵³ WL: 7HLN/B/036 February 1936

⁵⁴ WL:7HLN/03 Letter to Mrs Gray April 15 1935

1. divorce where there was mutual consent after waiting five years, or
2. whether there should be clause that stipulated no divorce for until two years had elapsed and that the marriage had lasted for more than two years or less than twenty.⁵⁵

In November 1936 Herbert's Bill had its second reading in the House of Commons. Very few voted for or against it, but it passed. His strategy of not making divorce too easy by providing that it would be impossible within the first five years of marriage was effective. He had as Cretney remarked 're-packaged' the Gorell report.⁵⁶

In January 1937, Normanton became increasingly concerned about the NCEC discussions and asked⁵⁷ them to ask the Government formally to appoint a Commission to consider what extensions were necessary to the grounds for relief under the 1923 matrimonial law of England in respect of cases of irremediable collapse of a marriage upon medical, psychological, and similar grounds; and what, if any, safeguards were necessary for providing for the dissolution of such Unions. She informed the NCEC that, if they were not prepared to do this, it would her duty to move the question and she would rather not be put in that awkward situation.

Meanwhile Herbert's Bill was moving through Parliament. In June 1937, the Bill reached the House of Lords. There was great opposition and Herbert inserted a clause that there could be

⁵⁵ HLN/B/01

⁵⁶ Cretney, 2011, op cit, p.236.

⁵⁷ Letter from Normanton to Miss Wingate, Secretary NCEC 26 January 1937 , WL: 7HLN/B/02

no divorce petition presented in the first three years of marriage.⁵⁸ This enabled the Act to be passed on 30 July 1937. It came into operation on January 1 1938.

It seems clear from Normanton's correspondence that she was deeply unhappy that the divorce law was too conservative. Further evidence of her beliefs can be seen from her membership⁵⁹ of the Divorce Law Reform Union.⁶⁰ In November 1938 their literature warned of people thinking that the law had been reformed, when it was inadequate. However, she wrote two private letters to Marie Stopes that seem to contradict her campaigns. In January 1939,⁶¹ whilst discussing the marriage bar, she wrote 'that a married woman cannot honourably contract two incompatible contracts at the same time'. What did this mean? That married women had to carry out their household duties before work? Stopes replied evenly:⁶²

'As women I do not think we ought to sit down under the idea that the 'legal contract' of marriage should be incompatible with any other contract. Indeed it is not, and I do wish that we could all get together and get something effective done about this question, particularly in connection with schools where it has a very bad social reaction that marriage should be considered a bar.'

⁵⁸ Cretney, 2011, op cit p.247.

⁵⁹ Letter asking her for 10/6, November 1938 WL: 7HLN/B/01

⁶⁰ This became a limited company in 1914 and was committed to divorce reform. At the beginning it demanded a Royal Commission to consider divorce reform and was responsible for the Gorell report. It was 'highly influential', see Cretney, 2011 op cit, pp 214-216.

⁶¹ 31 January 1939, WL: 7HLN/A/18.

⁶² WL: 7HLN/A/18 2 February 1939

Normanton answered immediately saying that she had not made herself clear in her last letter as she was under great pressure and wanted to be clear that she did not mean that the law alone makes the marriage contract incompatible with the contract of employment:

'For instance, a marriage contract in itself implies that each partner will give companionship to the other, but at the same time it does sometimes happen that a wife accepts some other sort of engagement which makes it impossible for her to fulfil the obligations of companionship. For example, she may be an opera star and plan to take a long tour, whereas, her husband is a Civil servant and may not be able to accompany her on this tour unless he loses his job. Where each is agreeable to this mode of life, of course, no particular harm is done and some sort of affectionate relationship may possibly exist over long absences and distances. But if there is no consent then probably the first contract would be considered to have priority over the second and the second would probably be considered as infringing the first; whether it were the marriage or the tour... What I really meant was that no honourable person ought to plan his or her life so that incompatible contracts were not made simultaneously... When a woman's marriage does not make a continued gainful career an impossibility, and where she can do adequate justice to the marriage, of course I am quite with you in saying that outside compulsion on her to abandon her career is wicked and tyrannical.'

What was she trying to say? It is clear that she applied these principles to men as well as women. Did she mean women could have a career only where the husband agreed? Was the reverse true? That women were obliged to be a companion to their husbands, again, was the reverse true? Could women only work if were gainful employment? Could women only work if

they could do adequate justice to the marriage? What did adequate justice mean? She herself went to America three years after her marriage and was not 'gainfully' employed at the Bar. Would she have stopped working if her husband demanded that she were not being a proper companion? It contradicts the views she expressed to the NCEC.

Despite the Matrimonial Causes Act 1937, there were still extreme difficulties in obtaining a divorce, such as when one party refused to co-operate⁶³ and divorce remained extremely expensive. Not until legal aid was introduced in 1949 did it become easier for wives to access the courts on the same scale as their husbands⁶⁴ (although cost had been a problem for many men, and the problem of gaining a divorce if one party refused continued). By 1945 there was a divorce crisis because the courts could not cope with the demand.⁶⁵

By 1952 Normanton was President of the Married Women's Association (MWA).⁶⁶ The MWA had been set up in 1938, after the failure of the Six Point Group⁶⁷ to persuade the League of Nations to incorporate an Equal Rights Treaty that would promote legislation in England and Wales for equality for married women. The MWA's objective was to secure the rights of housewives, including by promoting legislation to regulate married couple's finances and create equality between them. Further, they wanted to ensure that both husbands and wives had

⁶³ Masson, J, 2008, op cit.

⁶⁴ Morgan, R. I. 'The Introduction of Civil Legal Aid in England and Wales 1914-1949'. *Twentieth Century Brit Hist* (1994) 5(1): 38-76.

⁶⁵ Cretney, 2011, op cit, p. 281

⁶⁶ WL: 5WMA

⁶⁷ WL: 5SPG. This group was founded by lady Rhondda in 1921 to promote changes in legislation that would help and promote women.

equal parenting rights and that married women gained a right to the matrimonial home.⁶⁸

Various groups such as the BMA and the MWA gave evidence to a Royal Commission on Marriage and Divorce (1951-56), which reported in 1956.⁶⁹ Normanton, as President, and as passionate believer in divorce reform was extremely active in promoting reform.⁷⁰ She prepared the evidence that the MWA submitted.⁷¹ This caused great controversy and ultimately a split in the association.⁷² She proposed that the husband and wife should have a fairer financial partnership, by virtue of the husband paying the wife an allowance either agreed by them or adjudicated upon by the courts. If the wife was guilty of wilful neglect (of the money) she should be answerable in law for this.⁷³ Members of the MWA complained that this had been submitted to the Royal Commission⁷⁴ without consultation or circulation, and they felt that this made wives subordinate – being paid pocket money and it was not a true partnership. Further they felt that her proposals only benefitted privileged women and other women remained at a disadvantage.

As a result Normanton withdrew her report and pronounced that the MWA suggestion that couples should pool resources was '*nonsensical rubbish*', that it was '*dangerous for a wife... and*

⁶⁸ Ibid.

⁶⁹ Cmd. 9678.

⁷⁰ WL: 7HLN/B/03 (she addressed the National Council for Legal Citizenship and National Council of Women).

⁷¹ WL: 7HLN/B/01

⁷² WL: 5MWA.

⁷³ WL: 7HLN/A/18 letter from HN to Marie Stopes.

⁷⁴ It was submitted on 20 February 1952, WL: 7HLN/B/05.

*unfair to a husband.*⁷⁵ This demonstrates her notion of social duty and responsibility and desire to equalise the relationship between husbands and wives. She believed in individual property rights and that neither spouse was entitled to the earnings of the other spouse. She was liberal in her ideology and fell short of a more radical approach that recognised the experience of other women who were unpaid within the home and had been restricted for generations by the law and custom.

As a result of this disagreement Normanton founded her own breakaway group, the Council of Married Women (CMW).⁷⁶ She was joined by the Chair of the MWA, Lady Doreen Gorsky, the MWA's Deputy Chair, Lady Helen Nutting, and the MWA's Honorary Secretary, Evelyn Hamilton.⁷⁷ They took up identical positions in the CMW. The CMW sought to support and promote marriage, but wanted to ensure that married women were equal to their husbands.⁷⁸ They wanted to propose a Bill in Parliament that would ensure that wives were given a portion of the family income after all the household expenses had been paid. The idea was that a wife's role should be recognised by society as a job and therefore as valuable as a working husband's. It was intended to promote and enhance a wife's standing in the public sphere; her work should be considered valuable. Normanton had a strong sense of social duty and responsibility, she sought to equalise the relationship between husbands and wives. She believed in individual property rights, with neither spouse automatically entitled to the earnings

⁷⁵ WL: 7HLN/B/01.

⁷⁶ WL: 5CMW/A.

⁷⁷ Ibid.

⁷⁸ WL: 7HLN/B

of the other spouse without a corresponding responsibility. If the wife was negligent in her housewifery then Normanton believed that the husband should be able to sue her. Of course for many families both then and now, there was no separate money left to pay the wife a wage. Normanton's ideology and fell short of a more radical approach that recognised the experience of poorer families. Not until 1969 would there be a new rationale behind divorce.⁷⁹

Normanton died in 1957 and so did not live to see this reform, one she had campaigned for at great personal expense. Through the 1960s the CMW encountered financial difficulties and the organisation's work largely devolved upon Lady Nutting alone. The organisation was wound up in 1969.

Other interests

This thesis has concentrated on Normanton and her campaign to open the Bar up to women. It is essential to note, in order to understand Normanton, that she had a very broad set of interests. We saw in chapter 2 that Normanton campaigned and was part of a network of women calling for equality such as divorce, the right of British women married to foreigners to keep their name and citizenship⁸⁰ and tax reform.⁸¹ Her life was surrounded by political campaigns and agendas and as well as her work to support herself. She was Treasurer of the Bar Mess of the Central Criminal Court and arranged social functions for the barristers who

⁷⁹ With the introduction of the Divorce Reform Act 1969.

⁸⁰ WL: 7HLN/C/03

⁸¹ WL: 7HLN/B/02

practised there.⁸² Law records that Normanton was the Grand Dean for Europe of the International Sorority of Women Lawyers (Kappa Beta Pi),⁸³ Chair of the International federation of Business and Professional Women,⁸⁴ as well as an executive member of the NCEC, executive member of the State Children's Associations, First Secretary of the National Women's Association, Founder and Honorary Secretary of the Magna Carta Society and founding member of the Horatian Society. In 1925 she was elected a member of the New York Women's Bar association,⁸⁵ she had a Diploma Ami de la Cite de Paris.⁸⁶ Bridgeman⁸⁷ noted that Normanton marched against the atom bomb in 1953.⁸⁸ She had a keen love for Shakespeare and enjoyed cooking and gardening.⁹⁰ The focus of this thesis and the word limit constraint means that an in-depth examination of these interests are not possible. But, will form the basis of later research.

Conclusion

We have seen from this chapter that Normanton had a strong notion of social justice, rights accompanied by their corresponding duties. Clearly some other women perceived her divorce

⁸² WL: 7HLN/A/07

⁸³ Who was Who online edition 2014 and Law, C *Women, A Modern political Dictionary* p. 115. *This was an American society for liberal arts and sciences.*

⁸⁴ Who was who 1014 also records her as being the ex-vice President

⁸⁵ Who was Who online edition 2014

⁸⁶ This is a Paris University's friends society that upholds French culture and language.

⁸⁷ Joanne Workman, 'Normanton, Helena Florence (1882–1957)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁸⁸ *ibid*

⁹⁰ *ibid*

campaign as anti-feminist, but Normanton merely promoted equality. On the one hand she wanted to protect women from husbands who did not provide for their families and to equalise this she proposed that women should be responsible if they misappropriated the housekeeping money. Normanton strongly believed that neither party to a marriage was entitled to the other's wealth. She did not believe in the pooling of resources but rather equal parties with their own finances. Sadly, did this not take into account women's real social and economic position.

Chapter 10

Normanton's Death

'In her last letter she was quite philosophic about death, she knew it was imminent, and it was wonderful to see her stoicism... I tried so hard to get her to write her life, so rich, so full-but in vain.' Extract of a sympathy letter from Herbert Marshall, November 1957.¹

Normanton's niece, Elsie Cannon, wrote about the events leading to Normanton's death.² She described how being awarded King's Counsel came too late for Normanton, as she was already suffering poor health and her husband had died: 'She was too old and tired to forge a new career as a Silk. She virtually ceased to practise, but didn't officially retire until about 1951'. Then, in 1954, Normanton had a coronary and became less active. This led her to consider her will and she made a new one, which centred on the idea of establishing a university in Sussex.

Normanton's health declined. Cannon described her as 'lonely and life became difficult.' The Beckenham house was too big 'but crammed to overflowing with furniture, pictures, books, papers and so on, she lacked the energy to organise a move' and refused to allow anyone to help. During the summer of 1957 she became worse. On October 14 1957 Normanton died 'peacefully' in Sydenham nursing home.³ She had a private funeral and cremation at Croydon

¹ 24 November 1957 from Herbert Marshall Advision Films, Bombay. Herbert Marshall was an actor.

² WL: 7HLN/C/09

³ *The Times* Obituary 16 October 1957, *Kentish Times* 18 October 1957 and numerous others, see: WL: 7HLN/F/05

crematorium on October 18. Her ashes were buried with her husband's in November 1957 in Ovingdean Churchyard, Sussex. It was a simple ceremony attended by friends and family.

Her will left £22, 919 in total.⁴ It determined that the interest on the capital of her estate would be split between Elsie and her mother (after payment of bequests) for their lifetimes, and the capital given to the University of Sussex if it came into existence (as it did in 1961).

Normanton had a happy and positive experience in Sussex: she was schooled In Brighton and she and her husband had spent many holidays there.⁵ She wrote in her will that her estate should pass to the University College of Sussex 'in gratitude for all that Brighton did to educate me when I was left an orphan'. It had been her ideal to establish a University in Sussex; she sent the first cheque towards its foundation.⁶

⁴ *The Times* 10 January 1958

⁵ *Brighton and Hove Herald* 23 November 1957

⁶ *Brighton Herald* 19 October 1957

Conclusion

'I felt I had done enough'.¹

This thesis is the first in-depth examination of Helena Normanton's role in opening the Bar to women in England and Wales. So far as possible, this has been placed in the context of her life story, her archives and her relationship with the women's movement. There has been a particular focus on her contribution to the formal opening of the Bar following the Sex Disqualification (Removal) Act 1919 and her subsequent fight to break down substantive inequality.

Normanton's life and work

Normanton had to battle with class prejudice² as well as misogyny. We saw in the first chapter that her father was either a pianoforte manufacturer or a piano-tuner. Her mother had been a milliner, publican and then later a boarding house mistress. These were occupations of the very lowest order of the middle-class if not working class. Despite being educated as a teacher, Normanton would still have been seen by many middle-class people as 'other', because of her

¹ Helena Normanton, *The Advertiser* Beckenham 26 July 1951

² Dixon, J & Levine, M *Beyond prejudice: Extending the Sociology of conflict, inequality and social change* Cambridge University Press 2012, p. 99.

urbaness and humble background. Many middle-class men would have viewed her as ‘other’ because of her femaleness. The totality of this would have had the effect of her being viewed by some with contempt, disdain and as of low competence.³

Misogyny was another element of prejudice against women’s entry to the Bar and one that Normanton had to fight. We saw that until Normanton’s acceptance as a student at Middle Temple the Bar had been seeped in misogyny. The Bar was a profession, like other professions that had benefitted from excluding women and other male non-lawyers. The Bar was a middle-class profession that benefitted middle-class men, because it was a strategy that ensured a monopoly on the provision of legal services and created a barrier against outside (and inside) competition. Clearly it was not just women who were excluded from joining, but the effect was one of middle-class maleness being the norm for the image of barrister.⁴ There is much scope for further study in this area as Witz points out there is a deficiency of literature on the history of women in the professions.⁵ The Bar was a segregated profession; it was demarcated by gender and created a hierarchy that Normanton (and others) set out to challenge.

We saw Normanton’s impetus to become a barrister: her mother’s humiliation in a lawyer’s office. Her mother was a central influence in her life, someone who encouraged Normanton to be independent and proud of her womanhood. Normanton was the product of a broken marriage, with a father who possibly committed suicide and a mother who held ‘new woman’

³ Ibid

⁴ Brockman, J. *Gender in the Legal profession: Fitting in or Breaking the Mould* University of British Colombia Press 2002, p. 3

⁵ Witz, A. *Professions and Patriarchy* London, Routledge, 1992

ambitions that her daughters would not be dependent on anyone except themselves. Whether this was a response to her own marriage or to the awakening of a feminist conscience is impossible to say. Her mother was extremely driven, finding a school for orphaned children for Normanton and then, on finding that Normanton had passed the age limit, sending her second daughter there. Meanwhile she enrolled Normanton in various schools until finally settling in Brighton and registering Normanton in Varndean. Normanton graduated from there with a teaching qualification but then moved to Edge Hill College (after her mother's death) to extend and enhance these qualifications. By this time Normanton was a suffragist and had strong feminist ideals likely to have been brought about by her own family situation. She qualified as a university extension lecturer, before finally giving up school teaching. For a little while she was tutor to an MP's children, and then became editor of 'India'. All the while being extremely active in feminist campaigns for the vote. Her role as editor of 'India' demonstrates her moral conviction and explains why she left teaching. She used her move to London to extend her connections and realise her childhood ambition by campaigning for women's entry to the Bar.

Her application to enter Middle Temple was made at the right time, making contact with Claud Schuster, who was instrumental in the drafting of the 1919 legislation. Normanton claimed that an initial version of the legislation was drafted in her presence to avoid her making a further legal challenge to the rejection of her appeal to join Middle Temple. Evidence to support this claim has not been discovered, but there certainly was an intriguing meeting between Normanton and Schuster just after her appeal was rejected. Certainly she did not

bring any further action during the ten months until the legislation was passed. This is suggestive of her having some involvement, or at least receiving privileged information, although we cannot be certain in the absence of corroborative evidence.

Normanton's first application to Middle Temple was made in early February 1918 and was dismissed later in the month. Normanton did not accept this rejection; rather it spurred her on to more public activities as well as to her engagement with the Lord Chancellor's department where she enjoyed the co-operation and support of Claud Schuster. She was indomitable. Whatever her specific role in its gestation, the Sex Disqualification (Removal) Bill was introduced in July 1919 and became law on 23 December 1919. Normanton was contacted by Middle Temple's Treasury that day and became a formal member of that Inn on Christmas Eve because she had been so vociferous in her desire to enter the Bar. She was a member of the Committee to Obtain the Opening of the Legal Profession to Women, part of an organised effort to gain women's admittance to the Bar. She also made a tremendous individual effort which combined determination, political astuteness and good timing to succeed where others had previously failed. However, the misogyny did not disappear. Normanton had constant dealings with Middle Temple over allegations of self-publicising. Despite this she was called to the Bar, found a pupillage and began practice.

She further defied convention when she married in 1921 and refused to accept her husband's name. We have no clear evidence as to the dynamics or practicalities of her marriage. Given the interaction of the personal and political, such lack of evidence is of course frustrating. We

do not know what level of support her husband gave her in her professional and political activities, whether they were shaped or compromised by married life, or how her home life accommodated her working life. at the same time, perhaps the very absence of evidence allows another trap to be avoided: the idea that the most important thing about a woman's life is motherhood and the domestic. Normanton herself would have disliked and seems to have taken steps to avoid such an approach. Thus, like Oakley, I had no desire to speculate on her sex life or to consider her fertility. What is important is that her marriage persisted and she was devastated by her husband's loss.

Normanton practised at the Bar until she was sixty-eight years old. A remarkable achievement in itself, especially given the obstacles that she faced: numerous self-publicising inquiries and a lack of cases (probably due to fact that she was a woman and solicitors and clients were wary of women barristers). She practised in the divorce courts, though gradually moving towards criminal prosecution work. Much of her work was Poor Persons work and not financially rewarding. The Bar was a notoriously difficult career to start and sustain. A private income was needed or family contacts. Normanton obviously worked and saved to fund her career. It is extremely unlikely, given her views that she would have relied on her husband. She wrote books, gave speeches and produced articles for *Good Housekeeping* and other journals in order to maintain her place at the Bar. She would have been unable to live on her earnings at the Bar, and these supplementary earnings were of great importance to her career. Around this time she began to seek, but never attained, a judicial appointment, this must have been

another disappointment. She possibly set her ambitions too high. She may have been successful if she had applied for a more junior post, such as a stipendiary magistrate position. Due to her advanced age at the time of her admission to the Bar, she was always behind her peer group. The constant inquiries into her behaviour and the suspicion this provoked in such a small profession, probably also made it impossible for her to advance further. She bemoaned being known for running essentially junior cases, but her reputation probably prevented advancement. She was however, always in practice, something of which few women (or men) at the Bar could boast.

In the face of such adversity many barristers would have hung up their wigs much earlier than the age of sixty-eight. However, Normanton persisted. Why? Enjoyment of her legal work is presumably at least part of the answer, and there were notable successes: she did become the first woman to prosecute (and win) a murder trial. She became one of two of the first women to become King's Counsels in England and Wales. She also wanted to help people and improve their lives. She saw her role as a barrister as akin to social work. Her relationships with defendants went beyond the courtroom, offering them advice on life, education and how to stay out of prison in future. She assisted in finding them work and loaned them money. She cared for them as people, as well as for justice.

Her enjoyment of legal work was probably also bound up with her own view of herself as a pioneer who opened the profession to women; not just with the passing of the 1919 legislation

but by continuing to practice and challenging substantive discrimination. She lamented that she was seen as the poor relation of Rose Heilbron, and yet without Normanton there could have been no Rose Heilbron, or indeed Helena Kennedy or Cherie Booth. She wanted some recognition of her work for women barristers.

Such a pioneering, individualistic life was not an easy one, and Normanton appears to have died a rather lonely death. She began life as an educationalist and died as one, with her bequest to the new Sussex University. Her whole life had centred on education and, in a way, turned full circle: her mother had craved to educate her daughters to give them a better life, which the county of Sussex helped provide; Normanton in turn provided the means for Sussex to educate its daughters (and sons).

Normanton in the wider women's movement

We have seen that she was part of a movement of women who campaigned for the legal profession to be opened to women. Although she was not a sole agent for change, her individual efforts were an essential part of the momentum for reform. She wrote campaigning pamphlets, gave lectures on the topic, and lobbied the legal profession, the press and Parliament. She challenged the existing misogyny of the legal profession.

Normanton's type of feminism is difficult to define, but we saw that she believed passionately in equality. Some saw this as anti-feminist.⁶ She was without doubt a feminist as she rejected

⁶ Joanne Workman, 'Normanton, Helena Florence (1882–1957)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

patriarchy,⁷ something that united her with most feminist activists at the time. Normanton's campaign began at a time when women were effectively non-legal persons. Women were denied entry to the legal professions. They had no right to vote until 1918 and then it was only a limited right (until 1928). Women had extremely limited rights with regard to their right of custody over their own children and could be denied a university education. Divorce was difficult to obtain for both men and women, but was particularly difficult for women. Normanton was extremely influential in the divorce movement. Normanton's strength of character is displayed in her pursuit of a legal career and her fight for divorce and other reforms, especially when faced with so many legal disabilities.

We saw in chapter 2 that Helena was a member of many women's organisations. However, her involvement with the MWA and her departure as President demonstrates that she was not an 'insider' within these organisations. This may have been due to her feminist stance, but it may also be to do with her personality. The MWA was part of a long line of established women's institutions that had fought for change for decades. They were part of the wider network of the women's movement. Normanton's unswaying beliefs and focus put her at odds with women's institutions that tried to represent many voices rather than one central view. By leaving the MWA and setting up the CMW would have reduced her impact on the wider campaigns.

⁷ Purvis, *J Emmeline Pankhurst: A Biography* Routledge, 2003, p. 4. Here Purvis called it 'the power of men over women'.

Normanton's significance

Helena Normanton is often (incorrectly) cited as the 'first woman barrister'. There is no written record of her life and contribution to opening the Bar to women. Her life is essential to our understanding of how the 1919 Sex Disqualification (Removal) Act came to pass. It puts the legislation in context and illustrates her personal struggle, which was probably true of many other undocumented first women barristers. Her later life illustrates the individual and collective efforts of those within the women's movement in their fight to combat substantive inequality. This fight may not have been as high profile as the franchise movement but it was hard fought, often at personal expense. The thesis has attempted to piece together Normanton's individual story as the first woman to enter an Inn of Court. It is not just her 'first' status that makes her important, she was different to the other feminist campaigners of this era in their fight for equality, she was not university educated as Lady Rhondda, Eleanor Rathbone or from a family of wealth such as Beatrice Webb.⁸ She was a self-made woman, from the lower middle-class.

This is not a 'great woman' biography. For a start there is not enough evidence to write both a full and complete biography. Also, Normanton was not the only woman to have a decisive impact on the history of the early woman barristers. Many of those other women have been 'lost' to history. The complete story of those first women barristers has not been told. Should we even attempt to write the biography of a single feminist subject? This 'spotlight approach'

⁸ John Davis, 'Webb, (Martha) Beatrice (1858–1943)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

has limitations, for example by just looking at Normanton we could view her as a lone campaigner and not a woman within a network of other women (and men). It casts other people at that time into the shadows. It essentialises her, rather than focusing on the role of social processes that produced her.⁹ This thesis has unapologetically focused on Normanton, but also attempted to demonstrate she was part of a large network of women who were fighting for equality in all aspects of life, not just of the legal professions. Normanton's networking can be seen through her membership of various groups and organisations and it demonstrates her use of such membership as a way of campaigning and communicating her desire for social, economic and legal change, as well as furthering her own career. Normanton was not a lone voice. However, by focusing on Normanton we can see how her choices and ambitions shaped women's legal history and thus unveil her life and place her in her true historical position: a feminist legal and social pioneer. She, like the other first women lawyers, has not been fully remembered. Her life illustrates the lives of other 'lost' or 'forgotten' women who also trained at the same time or after her. By 'spotlighting' Normanton we remember those other women and their struggle. Just as history has done for men.

It is her legal career that further distinguishes her as important to the story of women's entry to the legal profession because so many others failed to stay in practice. Normanton was only one of a handful. She suffered many disappointments, such as her rejection from the Western Circuit, essentially due to sex discrimination, preventing her from practising freely. She

⁹ Stanley, L. 'Romantic Friendship? Some Issues in Researching Lesbian History and Biography' 1(2) (1992) *Women's History Review* 193-216 at p 194.

experienced further examples of professional jealousy, but continued to practice and, thanks to a dock brief, became the first woman to appear in the Old Bailey.

She saw her role in life as to open the Bar to women, not just by being admitted and called, but by breaking down substantive inequality, so she had to keep practising. She remained in practice until retirement, even though her work was infrequent and did not provide a living. Her very presence as a junior barrister provided a role model for other aspiring women; her promotion to the elite ranks of the Bar would have taken this further and confirmed her iconic status and place in history.

Her ultimate achievement was her achievement of what had been impossible for previous generations of women: her childhood ambition of becoming a barrister. Formal equality had been won; she then had to live with prejudice and misogyny by her life long battle for substantive inequality that would haunt her (and others) careers.

Beyond the space constraints of this thesis there is scope to examine Normanton's life further in order to fully understand her life. Her role as editor of 'India' has little bearing on her mission to open up the legal profession to women, but her views on Empire deserve exploration, increasing knowledge of her role as campaigner. This thesis has brought the names of other women called to the Bar in 1922 with Normanton into focus. Research into their lives and careers would be desirable to establish a fuller understanding of life at the Bar in

1922. Only fragments of their lives may survive, but putting them together would establish a fuller understanding of this phase of history. Normanton was accused on numerous occasions of self-publicising. A larger study of the disciplinary practice of the General Council of the Bar and Inns of Court would be desirable in order to fully understand the significance of these inquiries. Were male barristers subjected to the same type and volume of inquiries as Normanton? Rose Heilbron was subjected to similar inquiries; were other women?

There is also scope for further investigation related to other areas of Normanton's life. Her collecting of academic qualifications is striking, and could inform further study of women's education in the nineteenth and early twentieth centuries. Her involvement in campaigns for women's rights (such as tax reform and the right of British women married to foreigners to retain their British citizenship) and divorce reforms could also shed further light on the complex range of views and approaches to be found in the twentieth-century women's movement. A detailed examination of her work in other women's organisations is also needed to fully understand Normanton's feminism and role within the women's movement.

This thesis presents for the first time a detailed study of Helena Normanton's role in opening up the Bar to women. By focusing on Normanton's life, an hitherto unresearched area, it furthers our understanding of her role in opening up the legal profession to women. She had done more than enough for women.

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